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THE ALBERTA EDUCATIONAL COMMUNICATIONS AUTHORITY:
A CASE STUDY OF PUBLIC POLICYMAKING IN
EDUCATIONAL BROADCASTING

by



DOROTHY ZOLF

A THESIS
SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH
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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled "The Alberta Educational Communications Authority: A Case Study of Public Policymaking in Educational Broadcasting" submitted by Dorothy Zolf in partial fulfilment of the requirements for the degree of Doctor of Philosophy.

DEDICATION

To my three children, Janice, Patricia and Stephen,
whose encouragement and support made all this possible.

ABSTRACT

The purpose of this study was to examine a single case of policy-making in educational broadcasting in the province of Alberta, within the context of federal-provincial relations as they relate to communications policy in educational broadcasting. The study provided an historical background account of the development of educational broadcasting policy in Canada which is divided in jurisdiction between the federal government and the provinces.

Through the use of a case study approach, key events associated with the evolution of educational broadcasting in Alberta were examined with reference to the federal legislative environment. Documents and interviews played an equally important role as the chief data sources used to reconstruct the details of the policymaking processes explored in this case. Documentary data were found in the files of the Alberta Educational Communications Authority and the archives of the Department of Education. Interview data were obtained from key "influentials" closely involved in the policymaking process who were selected on the basis of a "positional" or "reputational" approach. Interviews were carried out using an unstructured but "focused" technique which featured a minimal interview structure. Data were processed and interpreted as an ongoing part of the data collection process.

The analysis of the data sought to describe and explain the development of policies which evolved in Alberta in response to federal legislation, requiring provincially owned authorities licensed to broadcast educational programs to be "independent" from their

provincial governments. The Alberta Educational Communications Corporations Act (1973) created two statutory entities: an "independent" corporation, the Alberta Educational Communications Corporation, and the Alberta Educational Communications Authority, the Alberta government's link with the Corporation.

The findings of this study indicated the dilemma inherent in the federal legislation and illuminated the difficulties in determining the boundaries of provincially supported "independent" educational authorities.

A major implication emerging from the study is that the ambiguity of the federal legislation governing the divided jurisdiction of educational broadcasting is reflected in the problems which become manifest at the provincial level. Further, the changing nature of the technological and political environment in which communications policy must be made creates a highly unstable situation which invites political solutions. It was concluded that the dilemma inherent in the divided jurisdiction of educational broadcasting remains unresolved.

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Chapter 1

INTRODUCTION

Background to the Study

In 1971 the government of Alberta established an Alberta Educational Communications Authority in the person of the Minister of Education with an advisory committee to consider the use of broadcasting for educational purposes and make recommendations for future policy. Its primary recommendation was the establishment of an educational communications corporation to co-ordinate most of the activities in educational broadcasting in Alberta. (ACCESS, First Annual Report, 1975)

The initiative taken by the Alberta government in establishing this policy was made possible by a concurrently evolving federal government policy and the resulting enabling legislation. In July 1972, the government of Canada¹ issued a "Direction" to the CRTC enabling it to license broadcast undertakings for educational purposes if certain conditions were fulfilled: applicants must not be operated directly by provincial government departments or their agencies, and their programming must be used for educational purposes only.

The history of this requirement lies in the federal-provincial struggle to regulate the divided jurisdictions of educational broadcasting. Federal government policy placed a strict prohibition on the issuing of licences to provincial governments or their agents. The intent of this policy was clear: control of the airwaves must

¹The federal government has responsibility for the regulation of broadcasting in Canada, through the Canadian Radio-Television Commission.

remain free from partisan political interference.

With this background, the government of Alberta set up, by statute, the Alberta Educational Communications Corporation in accordance with the CRTC's requirement for licensing. The Alberta Educational Communications Corporation Act, 1973, established "ACCESS" as an independent corporation responsible for broadcasting on, and providing programs for, educational channels in the province of Alberta. Section 2 of the Act re-established the Alberta Educational Communications Authority, and an order in council designated the Minister of Education and the Minister of Advanced Education as the provincial authority to oversee the operations of the Corporation.

The issue of jurisdiction over educational broadcasting in Canada has always engendered much debate. Historically, the federal government has insisted upon exercising almost exclusive control over the field of communications (due to the nature of broadcast technology which overlaps provincial boundaries). This fact, combined with a stated national objective of maintaining an integrated broadcasting system, has contributed to sustaining federal authority in this area. Exceptions lie in the case of educational broadcasting, where the provinces have acquired control as a result of certain administrative agreements. The political processes that led to the establishment of these agreements reflect the struggle of both levels of government in defining the limits of federal and provincial interests in educational broadcasting. The provinces, relying on Section 93 of The British North America Act, which grants exclusive jurisdiction to the provinces to "make laws in relation to education," applied much

pressure to preserve the domain of educational broadcasting. The federal government acquiesced to provincial government demands, relaxing its policy of complete prohibition on provincial ownership of broadcast stations. The agreement negotiated in 1972 resulted in a directive which gave the provinces full control over the content of educational programming on educational stations, but licensing power was retained by the federal government (through its agent, the CRTC).

The licensing of the Alberta Educational Communications Corporation was the direct result of a series of policymaking developments negotiated between the federal and provincial governments. As an "independent" corporation, ACCESS complies with the federal government's directive to maintain an arms-length relationship with the provincial government. The directive states that in order to be issued a licence to broadcast educational programs, a provincial body must satisfy the CRTC that it is not under the direct control of the provincial government.

The Alberta government asserted its constitutional jurisdiction over educational matters by establishing a separate "Authority." It designated the Alberta Educational Communications Authority as being responsible for the province's educational network; the Alberta Educational Communications Corporation (ACCESS) was directed to report to government through the "Authority." The "Authority" was given the broad power to set programming policy, its relationship with the Corporation (ACCESS) being set out by provincial statute.

Since the early 1970s, provincial governments have increasingly

begun to challenge the predominance of the federal presence in the field of communications, demanding greater provincial control over this area. Burgeoning provincial interests in the field of broadcasting have led some provinces to develop their own legislative and administrative structures for determining and controlling communications policies.

The ever-changing nature of communications technology makes the determination of appropriate jurisdictional and regulatory arrangements increasingly complex. Under the impact of rapid technological advancement, a blurring and an overlap of system boundaries occurs. Thus, increasingly, centralized control over communications policy is being brought into question. It is therefore probable that in the foreseeable future, the provinces will apply pressure for even greater control over all aspects of communications.

It seemed timely, therefore, to undertake a study that would document the history of the processes of policymaking in an area of broadcasting where provincial control was achieved, that of educational broadcasting.

Purpose of the Study

The purpose of this study was to examine a single case of policymaking within the national framework for educational broadcasting in Canada. The struggle for control of educational broadcasting was examined in the Canadian context—the federal-provincial arena. Through the use of a case study approach, key events associated with the development of policies in educational broadcasting in Alberta

were documented and the processes analyzed, the analysis focusing on an exploration of the relationship between the structures created in Alberta and their environmental context (both provincial and federal).

Statement of the Problem

As a case study in policy development, the investigation was guided by the following major questions:

1. What were the processes of policymaking which led to the establishment and operation of the Alberta Educational Communications Authority?
2. What organizational structures influenced and were influenced by the policymaking processes?
3. How did the context (the federal-provincial arena) affect the processes of policy development?

Particular attention was paid to policy decisions made by both levels of government (federal and provincial) pertaining to their respective jurisdictions, in the area of educational broadcasting.

Necessary background for the analysis was provided through an examination of the constitutional and legal dimensions as well as the legislative and administrative framework which affected the shaping of the policies under study.

Sub-problems investigated included:

1. How was educational broadcasting administered both federally and provincially, prior to 1968?
2. What factors had an important influence on shaping the development of policies?

3. What individuals or groups were involved in or attempted to influence the development of policies?

4. What structures developed between organizations which influenced the policymaking process?

5. What contextual factors, such as the economic, social and political environment, influenced the policymaking process?

6. What were the major issues illuminated by this case?

Other questions were revealed, as the research proceeded, as was predicted by Bogdan and Biklen (1982:55): "Finding the questions should be one of the products of data collection rather than assumed a priori."

Significance of the Study

This study is deemed significant in that it provided an historical account of public policies which led to the establishment and operation of an educational broadcasting authority in Alberta. This is a subject area which has seldom been documented and for that reason should be of value to policymakers, both in Alberta and in other provinces. It is this researcher's hope that the study will contribute to the body of knowledge of the policymaking process.

Dye (1972:14) contends that public policy studies can be undertaken for three reasons: (1) scientific, (2) professional, and (3) political.

First, public policy can be studied for "scientific reasons"; to gain an understanding of the causes and consequences of policy decisions, improving our knowledge about society, about the relationships

between public policy, the environment and the political system.

Second, public policy can also be studied for "professional reasons"; to gain an understanding of the causes and consequences of public policy which would permit an application of social science knowledge to the solution of practical problems.

Lastly, public policy can also be studied for "political reasons"; to inform political discussion, advance the level of political awareness, and to improve the quality of public policy.

This study was deemed significant in the light of Dye's explanation, in the hope that it might provide a vehicle for increased scientific, professional and political understanding in the area of policy development. Because an analysis of policy development offers an explanation of how a particular policy emerged, embedded within a social and political environment, it leads to an understanding of the political process. Dye (1972:1) defines public policy as being essentially a political process: "whatever governments choose to do or not to do." Dye contends (1972:4) that acquiring an understanding of possible causes and consequences of various policy decisions taken in the establishment of policies, leads not only to a greater understanding of the actual experience, but contributes to the development of the policy sciences.

The aim of this study was to illuminate the policymaking processes that were germane to the formation, development and operation of the Alberta Educational Communications Authority. This study was deemed significant in that it provides an historical account of the evolution of policy in educational broadcasting at the provincial level (Alberta)

and places these events in an historical context of evolving federal communications policy. In so doing it is the researcher's intent that the study will contribute to the advancement of the state of knowledge in the field of public policy.

Delimitations of the Study

The study was bounded by the time period 1966 to 1978.

In 1966, a series of experimental pilot projects was launched by the Alberta government: The Alberta Pilot Projects for Television Education. That same year the federal government issued a White Paper on Broadcasting which proposed a policy with regard to educational broadcasting.

In 1968, new broadcasting legislation was passed in Canada. The Broadcasting Act, 1967-68, was entitled "An Act to implement a broadcasting policy for Canada." This Act created the conditions whereby educational broadcasting was made possible, as part of the total Canadian broadcasting system, envisaged as a "single system."

In 1969, the federal government introduced legislation creating a Canadian Broadcasting Agency. This Agency was to provide physical facilities for educational television turning over responsibility for programs to the provincial governments. This legislation was subsequently withdrawn following vociferous protests from the provincial governments. This event marked the beginning of intense negotiations between the federal and provincial governments regarding the scope of educational broadcasting and a suitable interdelegation of administrative power.

In 1978, the Alberta Educational Communications Authority issued an official document entitled "Guidelines" which defines the role of the Alberta Educational Communications Corporation within the framework of the total educational enterprise in the province of Alberta. This event marked a culmination of extensive negotiations regarding control over the content of educational broadcasting. In effect, the 1978 "Guidelines" assured the Alberta government control over its jurisdictional responsibility for the content of educational broadcasting.

The research was delimited to an investigation of those events which occurred within this time period, which were deemed to be relevant to the policymaking process addressed by this study.

Organization of the Study

This dissertation is organized into nine chapters. In Chapter 1, the purpose and significance of the study were presented together with the research questions to be addressed. Furthermore the delimitations bounding the study were delineated.

In Chapter 2, the methodology employed to address the major questions of the study is discussed. The orientation underlying the methodology and the rationale for the case study approach are explored. The research design which guided the collection of data is examined, and finally some methodological issues arising from this orientation are addressed.

Chapter 3 provides a background for the policymaking process under study. The chapter is entitled "Background: Federal-Provincial Relations and Communications Policy."

Chapter 4 provides an historical account of the development of broadcasting policy in Canada as it relates to educational broadcasting. This chapter places the Alberta case to be examined in the later chapters in a contextual setting—the political arena of federal-provincial relations governed by the divided jurisdiction which comprises educational broadcasting policy. The chapter closes with a description of federal legislation (1972) which defined the scope of educational broadcasting.

Chapter 5 chronicles the events which occurred in the evolution of educational broadcasting in Alberta, within the context of federal policy, prior to the 1972 federal legislation. At the provincial level, an Alberta election resulted in a new government and a shift in the political climate. Preliminary efforts to devise new structures for educational broadcasting are explored.

Chapter 6 describes the events leading up to the establishment of a statutory corporation to be embedded in new legislation (1972). The negotiations required by the divided jurisdiction of educational broadcasting produced a solution unique to Alberta: the creation of the Alberta Educational Communications Corporation and the Alberta Educational Communications Authority.

Chapter 7 documents the operation of the new structures, the "Corporation" and the "Authority," and chronicles the administrative policies which emerged as the relationship between the two structures developed and matured.

Chapter 8 describes the Authority's attempts to control the content of educational programming and the process of negotiations

between the Corporation and the Authority which culminated in a "battle" for the Corporation's "independence." An "Epilogue" to the chapter provides a brief review of events of relevance to the study concerning the resolution of the "battle for independence."

Chapter 9 contains an interpretation of the findings of the study and presents the writer's conclusions.

Chapter 2

METHODOLOGY

Introduction

As was stated in the previous chapter, the purpose of this study was to examine a single case of policymaking in educational broadcasting in the province of Alberta, within the context of federal-provincial relations as they relate to communications policy. A case study approach was selected for an examination of these policy-making processes in order to capture their complexity. A discussion of the case study approach as a method of conducting qualitative research is presented in this chapter.

The chapter begins with a discussion of the methodology, then an exploration of the underlying orientation and rationale, followed by a description of the research design and data collection techniques employed in the study. Finally some methodological issues of particular relevance to this study are elaborated.

Discussion

Within the general framework, case study, there are various modes of data collection, various research procedures, techniques or methodologies which researchers employ.

The term 'methodology' is defined by Willower (1980:11) as "tools" of inquiry "that should be freely chosen to fit intended

purposes." How one chooses one's methodology depends upon other factors over and above the intended purposes to which Willower makes reference.

Bogdan and Taylor (1975:1) define methodology as

The process, principles and procedures by which we approach problems and seek answers. In the social sciences the term applies to how one conducts research.

One's principles then, as well as the processes and procedures employed, guide the approach taken in all research. Sjöberg and Nett (1968:2-3) recognize that the researcher is himself a variable in the research design who influences the course of any research venture he undertakes. Sjöberg and Nett (1968:ix) state:

The researcher's theoretical commitment not only influences his choice of topic and statement of the problem but it also affects his selection of research procedures and the specific manner in which he analyzes and disseminates his findings.

Because every researcher contaminates his research to some extent with his own biases, Duignan (1981:292) advocates that every investigator "must make explicit his own particular orientation or conceptualization of the research, and acknowledges his own particular biases." Bogdan and Biklen (1982:30) point out the advantage of acknowledging one's particular biases:

Whether stated or not, all research is guided by some theoretical orientation. Good researchers are aware of their theoretical base and use it to collect and analyze data.

In this section, the theoretical underpinnings of "qualitative research"—this researcher's bias—will be examined.

Qualitative Research

Van Maanen (1979:520) defines the label "qualitative" as having no precise meaning in the social sciences: it is an umbrella term, covering an array of interpretive techniques. To operate in a qualitative mode is to attempt to describe the meaning of naturally occurring phenomena in the social world.

Bogdan and Biklen (1982) describe the characteristics of qualitative research strategies that are summarized as follows:

1. There are various modes of qualitative research, but all share a common goal of concern and understanding for the "meaning" from the participant's perspective or point of view.

2. Qualitative data are descriptive. Reporting is typically anecdotal or narrative in form.

3. The researcher employs himself as an "instrument" when engaged in interviewing. The research technique of open-ended interviewing facilitates the process of gathering descriptive data.

4. The natural setting under study is the direct source of data. Concern is with the context, and the history of the institutions being studied.

5. Some qualitative researchers tend to analyze their data inductively. Theory emerges from data, as opposed to the hypothesis-testing approach of traditional research which prefers to test a priori theory in a process termed "hypothetic-deductive." The data collection processes determine the direction of the study and the important questions to be addressed. Thus, the research design is flexible in nature as techniques are formulated in context.

An application of this process of analytic induction whereby theory, data and hypotheses interrelate, is illustrated by the work of Glaser and Strauss (1967). Their "grounded theory" approach is a process whereby the researcher develops his theory as it emerges from the collecting of data. He does not gather his data with preconceived categories into which he attempts to force his data. The researcher simply has a set of what information is required and he attempts to gather it. The categories emerge from the data which generate the theory: "The discovery accomplished through a systematic process of social research" (Glaser and Strauss, 1967:45). In Guba and Lincoln's (1981:89) words: "The naturalistic inquirer would prefer to have his problem emerge from observation, from experience, from data—in other words, by grounded means."

There are various modes of qualitative research, but as Bogdan and Biklen (1982:32) point out, they base their interpretation on an understanding of the subjects from their own point of view (the Weberian tradition, which emphasizes the deeper understanding or "verstehen," the aim of which is to explore the "unique individual character of cultural phenomena" (1949:101)). Techniques are employed which yield descriptive data enabling the researchers to see the world as their subjects see it. Van Maanen (1979) portrays qualitative investigators as describing the unfolding of social processes rather than the social structures that are often the focus of quantitative researchers. He goes on to make an important point:

Qualitative methodology and quantitative methodology are not mutually exclusive. Differences between the two approaches are located in the overall form, focus, and emphasis of study. (1979:520)

Willower (1979:22) takes a similar view:

The orientations were stated as dichotomies, but dichotomies tend to be simplistic. Particular theories might belong somewhere between the extremes represented by the alternatives, and some orientations might not fit at all.

These remarks are in keeping with Kaplan's (1964:207) position:

"both quality and quantity are misconceived when they are taken to be antithetical."

No matter which perspective a researcher holds, the methodology he selects to conduct his research must meet the tests of rigor as a requisite for scientific inquiry. Whether one adopts quantitative or qualitative methods, or a composite of both, it is imperative that the researcher be cognizant of various methodological issues. These will be addressed in a later section of this chapter.

Rationale for Selecting a Case Study Approach

Because this study is descriptive in nature, the objective being to illuminate the policy processes which gave rise to the establishment and operation of the Alberta Educational Communications Authority, a case study approach was deemed most appropriate. This is in accordance with Bogdan and Biklen's (1982: 58) definition of a case study as "a detailed examination of one setting, or one single subject, or one single depository of documents, or one particular event."

Hofferbert (1974:138) noted the strengths of the case study

approach including its richness of detail and the lucidity it can provide in the "illumination" of a process of policymaking: "Case studies have informed us greatly about the mechanisms of policy-making" (1974:258). Hofferbert (1974:89) endorses the "detailed rendition" offered by a case study as an appropriate methodology for the study of policymaking:

Most of the books and articles written about the policy process are case studies. A case study is an in-depth examination of a particular instance of something. . . . A case study tells a story. In social science, it enriches our understanding by putting flesh on the skeletal generalizations about society.

The case study has recently regained favor in the eyes of one considered to be a spokesman for the field of research in the social sciences. Campbell (1975) in contrast to his earlier disparaging treatment of "the one shot case study design" (Campbell and Stanley, 1966:6-7) reverses his position, advocating the richness of description and multiple implications offered by a case study.

The case study, as a method of qualitative research has its roots in the fieldwork techniques of the social anthropologists, and more recently in the work of the ethnomethodologists. Spradley and McCurdey (1972:3) define ethnography as "the task of describing a particular culture," restricting the concept of culture to mean the "knowledge people use to generate and interpret social behavior. This knowledge is learned, and to a degree, shared" (1972:8). By restricting the definition of culture to shared knowledge, the authors shift the emphasis from merely observing behavior to a focus on the meaning of the observed behavior. Such a concept of culture (as a system of meaningful symbols) has much in common with symbolic

interactionism, which seeks to explain human behavior in terms of meanings. This definition is extended by Shavelson and Stern (1981: 489), who describe ethnography as "a narrative study (usually more descriptive than theoretical) of a bounded system, in its cultural context." They bring together the concepts of case study and ethnography by defining a case study as "a narrative account of an object of social inquiry, . . . or any other bounded system" (1981:489).

Stake (1978:7) describes the object of a case study: "The case need not be a person or enterprise. It can be whatever 'bounded system' (to use Louis Smith's term) is of interest." The distinctive feature of "the case" is that it gives prominence to what is and what is not, included. That is "the boundaries are kept in focus." What is deemed important within those boundaries determines what the study is about. Different purposes determine the type of case study.

The purpose of an historical case study is described by Guba and Lincoln (1981:371) as one which aims "to chronicle, that is, to develop a register of facts or events in the order (more or less) in which they happened."

To summarize Guba and Lincoln's (1981:371-373) characteristics of historical case studies:

1. a case study provides "thick description."
2. a case study is "grounded", providing an experiential perspective.
3. a case study is holistic, presenting a picture.
4. a case study is focused (range of data is bounded).
5. a case study illuminates meanings, focusing the reader's attention.
6. a case study builds on the "tacit knowledge" (Polyani) of its readers. This gives a sense of the actual substance of the case.

In order to capture the complexities of the policymaking process, and chronicle events as they occurred, the case study approach was adopted as a method of inquiry and the descriptive narrative technique of a historical case study employed in the writing of this dissertation.

Research Design and Data Collection

Introduction

Gergen (1968:232) alerts the researcher involved in the study of public policy formation, to be cognizant of the nature of the policy formation process. Since it is a continuous process, it is impossible to freeze the process at any one point in time and hope to gain an adequate conceptualization. The researcher must therefore remain sufficiently flexible in order to be ready to alter his research strategies if required. The design of this study adopted this flexible approach, which is consistent with the methodological concept framework (discussed above).

Bogdan and Biklen (1982:29) predict that in a study such as the one undertaken here, the data collected will "illuminate" the important questions to be addressed. The plan of procedure must therefore evolve while the data are being collected, since the data guide the research.

Data Sources

Data for this study were gathered from two major sources: documentary sources and interviews.

Documentary Data

The initial data collection phase consisted of assembling and organizing archival documentary data.

Webb et al. (1966:53) view public archives as "the ongoing continuing records of a society and the potential source of varied scientific data."

A major source of data for this study was contained in the files of the Alberta Educational Communications Authority, and is now in the archives of the Department of Education. In addition, a diverse collection of records and documents is housed in the archives of Alberta Education. Access to these files was granted by the Director of the Alberta Educational Communications Authority, Mr. Hans Kratz. These files and archives proved to be a rich source of both primary and secondary data. Kerlinger (1967:698-699) defines primary and secondary sources of data as follows:

[A primary source of data is] the original repository of an historical datum, like an original record kept of an important occasion, an eyewitness description of an event. . . . minutes of organizational meetings, and so on. A secondary source is an account or record of an historical event or circumstances one or more steps removed from an original repository . . . for example, one uses a newspaper account. . . .

Kerlinger (1967:698-699) advocates, as "one of the basic rules of research," that one should "always use primary sources" for "materials and data, especially those about human beings and their activities, become changed and often distorted in transmission."

In deference to Kerlinger, primary sources, such as reports, briefs, correspondence, memoranda, policy statements, working documents, speeches for public presentation, minutes of meetings, press releases, and so on were sought wherever possible. Secondary sources were used to supplement primary sources. Secondary sources included newspaper

accounts, magazine and journal articles and audiotapes. Determination of validity and reliability of content was based on two factors: (1) access to primary data sources and (2) reliability checking of content with knowledgeable interviewees, in the next phase of the collection of data. The next phase consisted of compiling a list of key actors who were identified in the documents for purposes of interviewing.

Interviews

The importance of interviews as "tools of scientific research" is discussed by Kerlinger (1967:468). He points out that an interview can be used for three main purposes:

One, it can be used as an exploratory device to help identify variables and relations, to suggest hypotheses, and to guide other phases of the research. Two, it can be used as the main instrument of the research. . . . Three, the interview can be used to supplement other methods used in a research study: to follow up unexpected results, to validate other methods, and to go deeper into the motivations of respondents and their reasons for responding as they do.

As Kerlinger predicted, the data obtained from interviews in this study were used, not only to supplement data collected from documentary sources and as a means of cross-validating or cross-checking important issues which emerged from documentary data sources, but also as a means of identifying variables and guiding further phases of the research. Some personal interviews proved particularly valuable in providing information where documentary data were either not available or where documents were incomplete. Thus, in some instances, personal interviews served as primary data sources thereby assuming a far more important role than was originally anticipated. The reason for this phenomenon was accounted for by Bryce (1970:56) as follows:

This was in part due to the "information gaps" which invariably appear to exist between what is done in fact and what is reported in official documents. Also certain documentary data took on additional meaning when viewed in the light of supplementary information of a more informal nature.

The interview phase of the research, therefore, served as noted by Gergen (1968:198), "to sharpen the focus within the general topic area." In addition, because of the nature of the study and the flexibility of its design (discussed above), analysis was an ongoing part of the research. It was found that the information obtained from personal interviews served to aid the researcher in an ongoing process of interpreting the data, illuminating the important questions to be addressed in subsequent interviews and further review of documents. Since neither of the two phases was discrete, there was an overlapping and an inter-relationship of the two phases. In preparation for each interview documents were consulted, then subsequent to the interview once again, in order to check and cross validate information

Selection of Respondents

A list of what Gergen (1968:194) terms "influentials" was compiled according to a "positional approach"—simply selecting those who occupy formal positions of authority in the organizations involved in the development of the policy under investigation. In addition, powerful "influentials" were identified, by a "reputational" technique—simply asking "knowledgeables" to nominate those individuals they regarded as having been most significantly involved in the policy development process. Lutz (1977:33) sees reputational analysis as one method of gathering data in order to answer questions about power in politics.

Lutz (1977:35-36) gives credit to Hunter¹ for developing the original method, as a means of determining the power structure, and cautions the researcher to be aware of the major weakness of this method: the "reputationalists" assume a single power elite. Lutz gives more credence to the pluralist approach, when one is studying power. What is more likely to occur is that different power groups are influential with respect to different issues. The researcher must therefore pay heed to issues in the study of power.

In this study, a list of "influentials" was gradually compiled, as the interview phase of the research progressed. Attention was paid to major issues which were revealed by the data sources (both documents and interviews).

Conducting the Interviews

Interviews were carried out using an unstructured but "focused," "non-scheduled" technique (Merton, 1956:3) which features a minimal interview structure. The interviewer works from an interview guide rather than from a rigid list of questions. This method allows conversation to flow freely, aided by probing questions from the interviewer. In addition, open-ended questions were asked in order to elicit an optimal amount of information and to explore new questions that were raised spontaneously during the discussion. Kerlinger (1967: 471) describes open-ended techniques of interviewing as follows:

Open-end questions are those that supply a frame of reference for respondents' answers, but put a minimum of restraint on the answers and their expression. While their content is

¹Floyd Hunter, Community Power Structures (Chapel Hill, N.C.: University of North Carolina Press, 1953).

dictated by the research problem, they impose no other restrictions on the content and manner of respondent answers.

Among the advantages of utilizing open-ended questioning techniques, discussed by Kerlinger (1967:471), one stands out as being particularly pertinent to this study:

The responses to open ended questions can suggest possibilities of relations and hypotheses. Respondents will sometimes give unexpected answers that may indicate the existence of relations not originally anticipated.

Thus, each interview situation was unique, stressing the interviewee's definition of the situation, the aim being the "verstehen" emphasis (discussed above) which is in keeping with the theoretical orientation of this study.

All interviews were tape recorded with the permission of the interviewees. Verbatim transcripts were then prepared by the interviewer. Data were transcribed immediately following each interview while the experience was still fresh in the interviewer's mind.

Processing and Interpreting Data

As was noted above, due to the flexibility of the research design, analysis was an ongoing part of the investigatory process.

Some interpretation of data took place during each interview in response to the observations and the intuition of the researcher at that point in time. Further retrospective interpretations were made subsequent to the identification of themes and issues which emerged from the data, following the data collection phase of the research. Tapes were played many times, not only immediately after each interview, but also later, during the process of interpreting the data in order to glean all the information contained therein.

Transcripts were carefully analyzed both during the data collection phase and after. When the data generated further questions and information gaps, further interviews were scheduled and documents revisited.

Persons Interviewed

Names of interviewees, date(s) of interviews, and positions held on the date(s) of the interviews, appear in Appendix F.

Summary

The design of this study is perhaps best summarized by Bogdan and Biklen (1982:56):

Design decisions are made throughout the study—at the end as well as the beginning. Although the most intensive period of data analysis occurs at the later stages, data analysis is an ongoing part of the research. Decisions about design and analysis may be made together.

Selected Methodological Issues

Introduction

Gergen (1968:208) points out that there are a large number of methodological issues that are of potential concern to any investigation in the social sciences. Those of particular relevance to the study of policy formation are validity, reliability and investigator bias.

Validity

The validity of a measure, Gergen (1968:208) defines as follows:

The extent to which the observation chosen to reflect a characteristic of a situation or an individual reflects what is consensually felt to be the "true" characteristic.

Among the various modes of establishing validity is "face validity," described by Gergen (1968:209) as being where "one's observations may have a rather direct and intuitively obvious relationship with the characteristic being measured." "Construct validity" is another mode of establishing validity obtained by "correlating one's observations to other observations of the individual" (Gergen, 1968:209). Kerlinger (1967:445) points out that construct validity is "the most important form of validity from the scientific research point of view." Kerlinger puts forth "content validity" as another type of validity, which he defines as "the representativeness" of the content, pointing out that it is guided by the question: "Is the substance or content of this measure representative of the content or the inverse of content of the property being measured?" (1967:445-446).

The "representativeness" of the content of the "property being measured" in this particular case, depended on the judgement of the researcher.

Every effort was made in gathering data for this study to observe valid observational techniques as discussed above.

Reliability

The question of reliability is closely linked to that of validity. If it were known that a given observation were perfectly valid, reliability would not be an issue. A perfectly valid measuring instrument should not be subject to random error or biased temporary mood states. (Gergen, 1968:210)

Kerlinger (1967:430) defines reliability as "the accuracy or precision of a measuring instrument" (reliability implies the relative absence of errors in measurement). Kerlinger (1967:443)

concludes, however, that "reliability is a necessary but not sufficient condition of the value of research results and their interpretation." Admitting, as does Kerlinger, that error can never be completely eliminated does not preclude the researcher's vigilance to its presence. Particularly, where the "instrument" for gathering data is the researcher himself, as in this study, the question of investigator bias must be addressed.

Minimizing Investigator Bias: Triangulation

Recognition of the influence of investigator bias is discussed by Gergen (1968:212) as being "exceedingly important in policy research" for the investigator can introduce systematic bias in obtaining data. Gergen (1968:213) refers the reader to the literature on social perception which is "rife with instances in which a person's perception of the environment is influenced by his feelings or motives."

If the face-to-face interview is to be relied on as a primary source of data, Gergen (1968:214) points out there is no ultimate solution to the problem of bias. The investigator can only attempt to reduce it, thereby mitigating its effect.

Denzin (1971:4) also believes bias is unavoidable in all forms of research because "an imperfect human is studying other humans in situations where nothing approaching ideal control can be exerted." He too advocates triangulation for it "forces" the observer to combine multiple data sources, research methods and theoretical schemes of inspection . . ." (1971:177). In a later work, Denzin (1978:302) describes triangulation as the combination of methodologies in the

study of the same phenomenon "between (or across) methods."

Webb et al. (1966:1) point out that so-called more traditional structured interviews and questionnaires intrude as a foreign element and "the responses obtained are produced in part by dimensions of individual differences irrelevant to the topic at hand." Webb et al. (1966:3) conclude that although all methods are "imperfect," the "most pervasive evidence comes through a triangulation of measurement processes" (which he defines as confirmation by two or more independent measurement processes).

Triangulation and the Concept of "Trustworthiness" (Validity)

Guba (1980:25) advocates the use of triangulation to increase "trustworthiness" (validity):

. . . collecting data from a variety of perspectives, using a variety of sources, so that the inquirer's predilections are tested as strenuously as possible.

Thus, triangulation can be seen as a vehicle for cross-validation. Jick's (1979:603) distinction between "within method" and "between method" triangulation presents a further refinement of the term:

'Within method' triangulation essentially involves cross-checking for internal consistency or reliability, while 'between method' triangulation tests the degree of external validity.

Jick (1979:603) adds:

Triangulation can also capture a more complete holistic and contextual portrayal of the units under study . . . The use of multiple measures may also uncover some unique variance which otherwise may have been neglected by single methods.

Guba and Lincoln (1981:257) add that the process of triangulation permits "multiple value perspectives to emerge from the same context

or event." These "multiple value perspectives . . . then become warp and weft of the contextual fabric" which the researcher uncovers in the course of checking his "facts" (1981:257).

A process of triangulation was adopted in the research design of this study in order to increase "trustworthiness." "Multiple value perspectives" were sought as often as possible so as to minimize error and allow a cross-checking and cross-validation of data obtained. Interviews were interspersed with careful references to primary archival documents and secondary descriptive reports of the same event.

The following chapter presents an historical account of the development of broadcasting policy in Canada as it relates to educational broadcasting. This chapter furnishes the contextual setting for the policymaking processes of the Alberta case, explored in subsequent chapters.

Summary

This chapter has presented an overview of the research methodology and the study design. A discussion of the theoretical orientation and underpinnings of qualitative research provided a background for the general framework "case study." A rationale for selecting a case study approach was presented in the context of the objectives of the particular case under investigation. Data sources and data collection techniques were presented. The flexible nature of the study design allowed issues to emerge as the research progressed, and analysis and interpretation of the data to be an ongoing part of the research. Data obtained from interviews served to supplement as well as to

cross-validate data collected from documentary sources. The chapter closed with an exploration of selected methodological issues of particular concern to an investigation of policymaking processes. Triangulation was proposed as a vehicle for cross-validation, thereby increasing "trustworthiness."

Chapter 3

BACKGROUND: FEDERAL-PROVINCIAL RELATIONS AND COMMUNICATIONS POLICY

Canada is a federal state and according to the constitution, the basis of which is the British North America Act of 1867, it is a confederation of provinces. The BNA Act provides an overall constitutional structure for Canada and accords each level of government its own constitutional jurisdiction or "separation of powers" (Corry, 1958a:102). Any discussion of public policy in Canada must, therefore, begin with the British North America Act:

Our Constitution distributes powers and responsibilities by two lists of categories or clauses—one list for the federal parliament (primarily section 91 of the B.N.A. Act), the other for each of the provincial legislatures (primarily section 92 of the B.N.A. Act). (Lederman, 1964:200)

The jurisdictions set out in Section 91 grant the federal government a list of enumerated powers as well as a more general grant to "make laws for the peace, order and good government of Canada." Section 93 places education within the exclusive domain of the provinces. Lederman (1964:200) notes that the federal and provincial categories of power are expressed in quite general terms which permit considerable flexibility in constitutional interpretation. However, he points out it also brings much overlapping and potential conflict between the various definitions of powers and responsibilities.

Smiley (1977b:14-15) observes that the most critical areas of Canadian public policy are within the realm of federal-provincial

decisions. Smiley attributes much of the conflict to arise from genuinely contradictory interests and notes:

Intergovernmental coordination would require Ottawa and the provinces to surrender some of their power of independent decision. Neither level has shown much disposition to do this.

In defining the meaning of the word 'Federalism,' Smiley (1977b: 367) cites Wheare's emphasis on the co-ordinating authority, mutual interdependence, and regional governments, as the essential features of federalism. Wheare's (1964:18-20) definition, embracing institutional and legal criteria, makes an important distinction: Canada does not have a federal constitution but a "quasi-federal constitution." This is due to the powers conferred upon the federal executive to "disallow" an act of a provincial legislature (Section 56 of the BNA Act). Cheffins and Tucker (1976:259) observe that this is a most unusual provision in a federal system because theoretically ultimate control rests with the federal government. However:

It is the falling into disuse of these powers which underlines Professor Wheare's point that although Canada has a quasi-federal constitution, in practice it has a federal government.

G. Stevenson's (1979:12) discussion of the word 'Federalism' is based on Wheare's premises, as well as those of institutionalist, Karl Friedrich, who defined federalism as "a process by which a number of separate political communities were gradually integrated." Friedrich (1949:183) proposes "that governmental powers can be separated into three categories: executive, legislative, and judicial," ascribing specific decisions and commands to the realm of the executive power, general decisions and commands to the sphere of the legislative power and the judicial power as standing between the two, transforming

"general" into "specific" decisions. G. Stevenson's (1979:13) discussion of federalism may be summarized as follows: a federation is a political system in which most structural elements of the state are duplicated at two levels, both of which exercise effective control over the same territory and population. Furthermore, neither level is able to abolish the other's jurisdiction over the territory and population which both have in common. As a result, relations between the two levels of government will tend to be characterized by bargaining since neither level can fully impose its will on the other.

Gallant (1977:217) notes that the Canadian constitution provides for "a fair amount of abutting or overlapping jurisdictions." Gallant suggests that it was the intent of the Fathers of Confederation to establish a federal state in which all fields of responsibility were precisely defined and properly allocated, requiring little machinery for intergovernmental consultation: "In the early days of Confederation there was not much need for federal-provincial consultations." The federal-provincial arena was almost non-existent at the time of Confederation. Increasingly, over the years, the problems caused by a complex world and the resulting interdependence of government activities, resulted in shifts in the power relationships between the federal and provincial governments. The quasi-federal relationship which characterized the first thirty years of confederation gradually gave way to a different relationship. Increasingly federal responsibilities (as enumerated in Section 91 of the BNA Act) declined in importance relative to provincial responsibilities (as laid down in Sections 92 and 93). Increasingly, the federal-provincial arena is

becoming larger in its scope, bringing with it a "co-operative" form of federalism.

Co-operative Federalism

Smiley (1977a:259) describes this process of "co-operative federalism" as "in essence a series of pragmatic and piecemeal responses by the federal and provincial governments to the circumstances of their mutual interdependence."

Federal-provincial relations now constitute a unique policy setting arena that is separate from federal or provincial politics. Simeon (1979:15) observes:

The process of intergovernmental relations is now much more than administrative co-ordination. It has become the arena for debate of fundamental policy choices. Administrative mechanisms are called on to deal with political questions, largely because of the weakness of the political institutions.

The evolution of co-operative federalism required the development of mechanisms of intergovernmental co-operation. The reasons for the increase in such mechanisms Simeon (1979:4) attributes to the growth of the scope of government activity and the resulting "interdependence of federal and provincial governments in virtually every political area." Wherever there is an overlap of jurisdiction, there is a need for co-ordination and collaboration in policymaking. With this interdependence comes a parallel need for increasingly complex political and administrative mechanisms. Simeon (1979:4) points out that such developments have taken place in all federal systems—though the mechanisms Canadians have developed to handle them are perhaps unique.

Smiley (1977a:268) terms these mechanisms "executive federalism."

Executive Federalism

Chandler and Chandler (1979:154) describe executive federalism:

The participants are governments and the proceedings take place behind closed doors where the role of opposition forces is excluded and the normal parliamentary mechanisms are bypassed. This arena has evolved into a forum of elite decision-making relatively insulated from the normally constraining divisions of Canadian society.

Leach (1976:381-382) discusses this forum for decision-making:

There is an interprovincial aspect to provincial power as well. This interface is called variously "interprovincial co-ordination," "interprovincial co-operation," or merely "interprovincial relations." Whatever the name, it suggests a set of positive working relations between the provinces. Some are formal, others informal, even ad hoc.

Wilson (1979:198) provides some historical background:

Beginning in the 1960s, institutional mechanisms began to be created to rationalize this complex interaction between, within, and among Canada's eleven governments. Quebec was the first to establish a ministry of intergovernmental affairs, but it was quickly followed by Alberta and Ontario.

Robertson (1979:86-87) describes the mechanism of federal provincial ministerial conferences or "interministerial conferences," as a vital and heavily used mechanism for federal-provincial relations, which were not foreseen in 1867. He sees this mechanism as having become increasingly important for three reasons: (1) the increase in power of the provincial governments, (2) the increased role of all governments in complex societies and (3) the extensive use of federal spending in shared cost programs. In addition, most governments have established intergovernmental affairs agencies to co-ordinate activities in this arena.

D. Stevenson (1979:90) observes that Canadian federalism is almost unique in the world in its reliance on this system of doing government

business. He sees intergovernmental conferences and meetings as an important mechanism for coordination, their three major functions being: (1) information exchange, (2) program and policy harmonization and (3) policy determination.

The interdependent nature of the Canadian political system, however, necessitates an awareness that policies made at one level affect policies at the other level.

Taylor and Dolan (1969:224) note:

Federalism is concerned with the balancing of competing interests. The effectiveness of maintaining an acceptable balance is to an increasing extent closely tied to the effectiveness of the machinery for cooperation between governments.

Public policy in Canada is the result of negotiations between the two levels of government. These negotiation processes are often characterized by conflict for the following reason:

The fundamental act of federalism in Canada is an effective division of power along territorial lines that legitimizes, and even encourages conflict between the federal government and provincial governments acting autonomously but within a necessarily interdependent context. (Woodrow, Woodside, Wiseman and Black, 1980:1)

These conflicts underline the politics of negotiation that make up the policymaking process in Canada. Public policy in the area of communications reflects and expresses the broader issues of this Canadian reality.

Since the stated purpose of this study was to examine a single case of policymaking within the national framework for educational broadcasting, consideration of the larger environment of federal-provincial relations is required. Such consideration is essential, according to Woodrow, Woodside, Wiseman and Black (1980:1), for

public policy in communications "in characteristic Canadian fashion has come to be expressed primarily in terms of federal-provincial relations." The development of communications policy as it relates to educational broadcasting has evolved within this political and administrative context, and will be considered in the chapter which follows.

Summary

Canada is a federal state consisting of a confederation of provinces. The British North America Act of 1867, the basis of the Canadian Constitution, provides an overall structure which accords the federal and provincial governments their respective jurisdictions or "separation of powers." In educational matters the BNA Act specifically assigns exclusive rights and powers to the provinces. There are areas of jurisdiction, however, which give rise to conflict between the two levels of government. One of the most critical areas of Canadian public policy involves decisions concerning overlapping jurisdictions where boundaries and responsibilities are not clearly defined. Such areas necessitate a growing interdependence and a shift in power relationships, federal powers having declined in relation to provincial responsibilities. Increasingly, the federal-provincial arena is becoming larger in scope, bringing with it a "co-operative" form of federalism. Since federalism involves the negotiation of a balance between the competing interests of the provinces and the federal government, mechanisms for negotiating cooperation have evolved. Interministerial conferences have

increasingly become a vital and heavily used mechanism for provincial dialogue with the federal government. This form of elite decision-making has been termed "executive federalism," for the participants are the first ministers of governments, and proceedings take place behind closed doors where the role of opposition forces is excluded and the normal parliamentary procedures are by-passed. The politics of negotiation which make up the policymaking process in Canada are played out in this arena. Public policy in the area of communications reflects and expresses the broader issues of this reality.

Chapter 4

THE DEVELOPMENT OF COMMUNICATIONS POLICY IN CANADA AS IT RELATES TO EDUCATIONAL BROADCASTING

Introduction

In a country as geographically vast and as culturally diverse as Canada, the development of communications policy is an area of profound importance. Control over the broadcasting system is viewed by the federal government as essential to the maintenance and development of a national identity and national unity. The history of Canadian broadcasting reflects this strong desire to maintain a distinct Canadian identity:

Broadcasting is not an end in itself. It is subject to higher and more powerful imperatives of national development and survival. Thus broadcasting is an integral part of the larger constitutional domain; a national priority itself, it may at certain times be subject to realignment with other national priorities, be they economic, social, political or cultural. The Broadcasting Act itself is an organic part of the body of Canadian legislation and subject to the legislative activities of the Canadian Parliament in allied fields. (Canadian Radio-Television Commission, Report to Parliament, 1970-71)

Broadcasting policy in Canada has historically been an area in which sharp jurisdictional lines have been drawn between federal and provincial governments, the federal government insisting upon exercising almost exclusive control over the field of communications. A combination of technological and political factors has produced a centrally directed administration. The inherent nature of the technology, combined with the objective of maintaining an integrated system have been the grounds

for sustaining federal jurisdiction over communications.

The constitutional underpinnings of these policies lie in the British North America Act, 1867. Broadcasting as a subject of legislative jurisdiction is not mentioned in the British North America Act (no doubt because our Fathers of Confederation could not have foreseen the advent of wireless telegraphy, let alone radio and television broadcasting). Thus, jurisdiction over the field of broadcasting is not specifically awarded to either the provincial or federal governments by the British North America Act. Section 92(10)(a) of the Act, however, does make direct reference to one aspect of communications—that of telegraph lines, as coming under federal jurisdiction:

. . . telegraphs and other works and undertakings connecting the Provinces with any others of the Provinces or extending beyond the limits of the Provinces.

In addition, the federal government legislates in the area of communications policy through its residual power. As was mentioned in Chapter 3, the clauses of Section 91 provide the federal government with a general grant to "make laws for the peace, order, and good government of Canada." During the course of constitutional interpretation through the years the courts have come to recognize a wide-ranging federal jurisdiction over most aspects of communications policy. Woodrow, Woodside, Wiseman and Black (1980:11) point out:

Federal jurisdiction over broadcasting is interpreted as an inter-provincial undertaking because of the nature of broadcast technology which necessarily overlaps boundaries.

Historically, broadcasting policy has always been highly centralized, and envisaged as a "single system." In recent years,

more specifically during the 1970's, communications has emerged, in the words of Woodrow et al. (1980:1):

. . . as a strategic and contentious issue of public policy in Canada. Public policy in this area takes shape at the delicate interface between technology and politics.

Historian Frank Peers (1973:3-4) provides a definitive account:

Successive Canadian parliaments have decided that broadcasting should be an instrument of national purpose. . . .

.

Inquiry succeeds inquiry, commission report and committees review the work of the commissions; finally governments act. Yet the debate goes on.

.

There are four broadcasting acts which have defined the Canadian system since it began in 1932. They remind us of the unresolved ideological conflicts that attended our initial decision to invent yet another Canadian compromise.

Following the Radiotelegraph Act of 1912, there have been four broadcasting acts: the Canadian Radio Broadcasting Act of 1932, the Canadian Broadcasting Act of 1936, the Broadcasting Act of 1958 and the Broadcasting Act of 1967-1968.

The Broadcasting Act, 1967-1968

The Broadcasting Act was passed by the House of Commons on February 7, 1968 and proclaimed on 1 April 1968 by Order in Council SOR/68-112 dated 25 March 1968. Like its predecessors, it embodied the philosophy as laid down by parliament, that broadcasting should be an instrument of national purpose.

The new Broadcasting Act created the Canadian Radio-Television

Commission (CRTC)¹ as the authority or agency to regulate and supervise broadcasting (replacing the former regulatory agency, the Board of Broadcast Governors (BBG) which had been created by the Broadcasting Act of 1958).

Part I of the Broadcasting Act states the broadcasting policy for Canada. Section 3(a) describes a "broadcasting policy for Canada," and addresses the objectives of the broadcasting system as a whole, considered as a "single system":

Broadcasting undertakings in Canada make use of radio frequencies that are public property, and such undertakings constitute a single system, herein referred to as the Canadian broadcasting system, comprising public and private elements.

In order to ensure that these policies were implemented, Part II established the Canadian Radio-Television Commission, a single independent authority, to regulate and supervise the system. The role of the CRTC is that of an administrative tribunal acting in a supervisory and policy-making capacity to implement Canadian broadcasting philosophy as it is laid down by Parliament and embodied in the Act. Part II, Section 15, describes the objectives of the Commission which ". . . shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy enumerated in section 3 of this Act. . . ."

Section 16 of the Act empowers the commission to (a) "prescribe classes

¹In 1975, the federal government passed legislation establishing a single regulatory agency, "The Canadian Radio and Telecommunications Commission." Whereas there had previously been a separate agency for the regulation of common carriers, the CRTC was given expanded powers, becoming the single agency for both broadcast and common carrier regulation.

of broadcasting licenses" and (b) "make regulations applicable to all persons holding broadcasting licenses."

Under Part II, Section 27, the Governor General in Council is given the power to issue directions to the Canadian Radio-Television Commission. These "directions" are issued as a means of realizing the fundamental objective of the Broadcasting Act, namely "to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada," which is always the overarching guide in shaping and implementing policy.

Part III re-established the Canadian Broadcasting Corporation (from the previous Broadcasting Act).

Foster (1982:240) described Part IV as being "transitional," transferring authority from the previous Broadcasting Act.

Peers (1979:436) pointed out that two new features of the 1967-1968 Act were of importance. The first was the assignment of an augmented role in broadcasting policy to government, through its agency the CRTC. The second was bringing cable television into the broadcasting system, making it subject to the authority of the new regulatory agency. This was necessitated due to the increased proliferation of cable systems throughout Canada. The integration of cable television into the Canadian broadcasting system, Foster (1982:314) claimed, formed "the underlying theme" which "influenced the development of policy during that period."

The Evolution of Cable Television Policy
as it Relates to Educational
Broadcasting: 1968 to 1971

The new Broadcasting Act empowered the CRTC to supervise and coordinate the growth of the Canadian cable (CATV) industry, because cable was viewed as being an integral part of the single Canadian system. Thus it required integration into the entire Canadian broadcasting system. This was accomplished by Section 3(b) of the Act which charged the CRTC with "the harmonious integration of cable television into the Canadian broadcasting system." (A cable television system is classified as "a broadcasting undertaking" within Section 3(a) of the Act.)

As a consequence of the Broadcasting Act (1967-1968), the CRTC reacted with a series of interim policy statements or guidelines, in the years from 1968 to 1971. These statements established the basis of Canadian cable television policy which elaborated the framework set down by Parliament in the Broadcasting Act.

In the CRTC's announcement of May 13, 1969, the statement was made that local programming on cable should "complement not compete with programming already available to the community," the rationale being to retain the logic upon which the licences were issued: that of maintaining basic local television service as a first priority.

Foster (1982:291) described the view of the commission as follows:

- That development of cable television had to take into account:
- the maintenance of basic local television service;
 - the extension of alternative Canadian television services; and

- the need to apply a consistent cable television policy across the nation.

But the technology of cable has always left the jurisdictional question open to being a 'grey area.' Cable television signals are not received over-the-air, but distributed through a coaxial cable; thus the provinces have always laid claim to control their own systems because they operate entirely within provincial borders. This is an issue which to date has not been resolved.

Foster (1982:314) wrote:

Because of the underlying potential of cable television, the provincial governments wanted to have a voice in policy development and its administration. They feared a loss of power if the Government of Canada had exclusive regulatory control over "the wired nation." Therefore they began pressing for a change in the regulatory system which would give them a measure of power.

In formulating its final policy statement, the CRTC held public hearings in Montreal in April, 1971. Numerous and extensive briefs were presented by a variety of interested individuals, groups, and representatives of provincial governments.

On July 16, 1971 (following the April public hearings) the CRTC released its policy document "Canadian Broadcasting—a Single System." In it the CRTC declared it mandatory for cable systems to provide a channel for educational purposes, if so requested by a provincial authority. Furthermore, "Canadian television broadcasting stations must be carried in accordance with a priority system established by CRTC." Emphasis in this policy statement was on the implication of the role of CATV for the broadcasting system, as a whole. As a consequence this document is essentially one which approves the growth and development of the cable industry within

its broader context, and in a manner designed to strengthen the total broadcasting system.

This theme had matured with the subsequent policy statements, and the final policy document gave it meaning through a priority list to be used as a basis for determining the channels to be carried by a cable system. It is important to note that the second priority listed is that of a channel for educational purposes.

In order to satisfy the provinces' demands for educational broadcasting, the Canadian Radio-Television Commission would be directed, pursuant to Section 22(1)(a)(ii) of the Broadcasting Act, that in provinces where the provincial authorities so desire, cable shall be required to set aside at least one channel for educational programming. The government thereby assured access to a channel on every cable system for educational broadcasting.

Educational Broadcasting: A Problem of Divided Jurisdiction

The term 'educational broadcasting' would appear to be a constitutional paradox which creates an immediate jurisdictional conflict between the federal government and the provinces. (Atkey, 1970:202)

Educational policy has historically been highly decentralized, Section 93 of the BNA Act clearly assigning exclusive jurisdiction over "Education" to the provinces: "In and for each Province the Legislature may exclusively make Laws in relation to Education." However, Section 93 of the Act does not specify what comprises the domain of "education." As Bargaen (1961:8) points out, Section 93 places control of education into the hands of provincial legislatures

and the federal government has "the constitutional authority to disallow any provincial legislation which is, in its judgement, detrimental to the interests of Canada as a whole."

Given this climate of indetermination in which the federal government has the constitutional authority to regulate broadcasting and the provincial authorities have the right to legislate "education," it was inevitable that the advent of educational broadcasting, inherently divided in jurisdiction, would create a new range of constitutional problems. The determination of federal and provincial jurisdiction over educational broadcasting became a matter of legislative interpretation. The definition of "educational programming" adopted at the time of key policy decisions concerning educational broadcasting determined the respective jurisdictions of federal and provincial authorities and their ability to regulate them. Ide (1972:50) described this situation as a "modern day dilemma of the constitutional responsibility for educational broadcasting" and asked: "Who is in charge when you combine the two?"

In the struggle to define the limits of federal and provincial interests in educational broadcasting, the provinces, relying on Section 93 of the BNA Act, pressured the federal government to allow the preservation of a large provincial domain (reflecting a broad interpretation of Section 92 of the BNA Act). A confrontation was forced between a strict prohibition on provincial government involvement with broadcasting, on the one hand, and provincial jurisdiction in matters of education, on the other.

The Provincial Interest in Educational Broadcasting

The provincial interest in educational broadcasting began to manifest itself in the period following World War II when the provinces began to challenge the exclusiveness of federal jurisdiction. The possibilities which broadcasting offered in alleviating what Atkey (1970:189) described as increasingly "onerous responsibilities" in the field of education "resulted in deliberate provincial initiatives in constitutional fields heretofore regarded as the primary preserve of the federal government."

Individual provincial governments took different positions vis-a-vis the federal government in evolving their own communications policy. Atkey (1970:189-190) provided an excellent background of the situation at that time:

Virtually every provincial department of education in Canada has made some effort towards the adoption of television and radio as a medium for the dissemination of educational and cultural materials within the province. But arrangements to date have been made largely on an ad hoc basis: provincial or local co-operation and agreement with the CBC or CTV networks or federally licensed private broadcasters; provincial or local production . . .

.

But as provincial activities in the field of education expand at a rapid rate, so does the correlative provincial interest in the field of broadcasting. Already the Province of Quebec has asserted a vital constitutional interest in the field which embraces new structures and proposals, going considerably further than the mere ad hoc arrangements above. Other provinces in varying degrees, have expressed a desire to clarify and/or establish a provincial constitutional interest.

The Province of Quebec long held aspirations in the field of broadcasting. As early as 1945, the Duplessis government passed a

provincial broadcasting act, "The Quebec Broadcasting Act." The intent of this Act was to establish provincially owned broadcasting stations and facilities.

In response to this move, the Honourable C. D. Howe (the then Minister of Reconstruction) affirmed the federal government's policy in the House of Commons:

Broadcasting is the sole responsibility of the Dominion Government, broadcasting licenses shall not be issued to other governments or corporations owned by other governments. (Hansard, May 3, 1946, p. 1167)

Quebec did not proceed further at that time, but began preparing to revive the Act much later (February 22, 1968). Premier Johnson created "a new provincial administrative council called 'Radio-Québec'" (Atkey, 1970:211). Following a provincial election on March 27, 1969, the new premier, Premier Bertrand, introduced the Quebec Broadcasting Bureau Act. The effect of this bill was to update the 1945 Act under which Radio Quebec was constituted and establish a provincially owned service for radio and television broadcasting called "Radio Quebec" to disseminate educational and cultural programming.

Meanwhile, Ontario and Alberta had not been idle. They began actively seeking licences for educational broadcasting stations.

Woodrow, Woodside, Wiseman and Black (1980:16) described the events of the late 1960's which laid the groundwork for subsequent legislation:

Quebec and Ontario took the lead in the late 1960s in establishing communications authorities and producing and

disseminating educational programs and other provinces have since followed. . . .

In Alberta, an Order-in-Council to establish the Alberta Educational Communications Authority (OC 217/70) authorized the Minister of Education to enter into agreement with the federal government and with educational television authorities in Alberta "for the purpose of making available to them facilities for broadcasting educational programs."

The Honourable Lou D. Hyndman, who became Alberta's Minister of Education following the September 1971 provincial election, recalled the situation which necessitated federal government action:

The history of the province of Quebec was very much in the background of everyone's mind, particularly in Ottawa.

.

. . . which would impede or erode federal jurisdiction.
(Interview, April 14, 1983)

A. L. Robertson, Dean of Fine Arts, University of Calgary, described the political ferment at that time:

. . . in the five years prior to the whole independence movement and the 1971 crisis [Quebec], the federal government was, I think, very concerned lest the provincial governments use this as a vehicle of control, propaganda, domination, etc.
(Interview, April 9, 1983)

In her memoirs, the then Secretary of State, Judy LaMarsh (1969:261) wrote:

Quebec . . . was anxious to set up its own Radio Quebec network. That is dangerous, for it could easily be transformed to one for general broadcasting, far beyond anyone's legitimate definition of "education." If the federal licensing authority was ignored, what sanction had Ottawa to use to enforce constitutional diversions.

The Unfolding of Federal Policies and Educational Broadcasting

In 1965, a Report issued by the Fowler Advisory Committee on Broadcasting had devoted an entire chapter to the newly-emerging field of educational broadcasting. Its recommendations concerning educational broadcasting were accepted by the federal government. Wheels were set in motion by Judy LaMarsh (the then Secretary of State)¹ to formulate and implement policy and to set out goals for future legislation of the Canadian broadcasting system. Peers (1979:352) wrote:

From January 1966 to the last months of the Pearson administration in 1968, the Secretary of State and her department were engaged in an intensive effort to prepare new broadcasting legislation.

A "White Paper on Broadcasting" (LaMarsh, 1966) was issued in the sequence of policy development events that followed. The "White Paper" declared the intention of government to enact new legislation. In addition, an interest in educational broadcasting was declared:

Federal policies in the field of communications must not work to impede but must facilitate the proper discharge of provincial responsibilities for education. For this purpose, it will be necessary to work directly with the provinces to study the technical facilities required, and to plan and carry out the installation of educational broadcasting facilities throughout Canada. (LaMarsh, 1966:13)

The federal government then went on to declare its intention to create a new federal educational broadcasting agency which would be empowered to enter into agreements with individual provinces in order to meet the needs of provincial educational systems.

Pierre Juneau was a newcomer to the political scene having served

¹The Secretary of State acted as the spokesman for broadcasting in Parliament during the period of what is often referred to as "The Pearson Years" (1965 to 1968).

as an officer with the National Film Board in Montreal. Judy LaMarsh persuaded him to join her in the preparation of new legislation:

I thought from the outset that when the new Board, The Canadian Radio-Television Commission, as it came to be, was set up that there should be new officers, and it was quite clear, that it would be necessary that the president . . . would be French-Canadian. ("Andrew Stewart, Diefenbaker's appointee to the chairmanship of the Board of Broadcast Governors . . . is a true Scot, much beloved by the private broadcasters.") . . .

.

Accordingly I undertook a search for the right people for appointment to the Board. I wanted people who would not be partisan, but who would have political judgment and would be alert to public relations. Partisan people would, no doubt, be appointed to the Board, as its part-time members.

I initiated a search for a French Canadian vice-chairman (of the BBG) . . .

.

Pierre Juneau. I did and I liked him. . . .

.

Juneau finally agreed to give it a try. Our understanding was that if he worked out well I would do my best to make him chairman of the new Board when it was appointed. . . .

.

He has more than fulfilled my hopes for him and I believe that he and the new Commission, the government and the people concerned in broadcasting will have a long and fruitful association. This was my first step in my plan to bring qualified, non-partisan people to broadcasting. Juneau proved my faith in him many times over in the intensive work he did in the field of educational television, and he set out to expand the Board and the facilities and the personnel to provide the service which the new legislation would require.

.

. . . frequent discussions with the BBG on details of the developing Broadcasting Act (mainly conducted with Dr. Stewart on behalf of his Board) and the intensive work which went into the production of a policy paper on educational television (mainly the work of Pierre Juneau). (LaMarsh, 1969:244-246)

At the National Seminar on Education Television, sponsored by the Canadian Association for Adult Education (April 13-15, 1967) Pierre Juneau, then the Vice-Chairman of the Board of Broadcast Governors, pointed out the important questions the White Paper addressed.

Firstly, since education is a matter of provincial jurisdiction, "this is a situation which requires co-operation." Thus the White Paper referred to "the proper discharge of provincial responsibilities for education." It said further that:

This organization would be empowered to enter into an agreement with any province . . .

.

I don't think there should be any doubt that without a basic agreement and a provincial department of education there can be no educational television in that province. (National Seminar on Educational Television, sponsored by the Canadian Association for Adult Education, April 13-15, 1967. Report. pp. 10-12)

A federal cabinet decision, October 21, 1967, had directed the Department of Communication to undertake, in cooperation with other departments and agencies, the preparation of a research program designed to provide provincial educational authorities with information regarding transmission systems for educational broadcasting purposes.¹

Meanwhile preparation for the new Broadcasting Act was underway. The Honourable Judy LaMarsh was determined that it should be passed by the end of 1967. On October 17, 1967 she moved that the House of Commons go into committee to consider amending the Radio Act and implementing a new broadcasting policy for Canada. LaMarsh (1969:

¹As a result of this decision, a special research subcommittee—the Parkhill Committee—was established November 5, 1967, comprising representatives from these departments and agencies as well as liaison officers from the Council of Ministers of Education and the Association of Universities and Colleges of Canada. R. A. Morton of the Alberta Department of Education was designated as the liaison officer for the CMEC to the Parkhill Committee. Its work was completed and a report submitted to the federal Department of Communication December 22, 1971. For a further elaboration, see footnote 2, page 108.

262) described the process:

As well as drafting a broad general Broadcasting Act itself we were now under increasing pressure from the provinces to produce our policy for educational TV. Pierre Juneau, Vice-Chairman of the BBG, worked well in this field, and it was really thanks to him and to a series of interviews with Provincial Ministers of Education undertaken across the country . . . that we were in a position to do so relatively quickly for the Government's study.

The problem of educational television has many aspects, both financial and political.

The whole area is made even more complex by the constitutional fetters as in so many other matters of policy. Education is clearly a provincial matter, and the one in which most provinces are most jealously watchful to ward off federal government intervention.

Once again the balance had to be found to make facilities available to the provincial authorities . . . our policy was developed simultaneously with the General Broadcasting Act.

It did not take long to deduce that it would not be possible to produce and pass a new Broadcasting Act quickly. I was determined to do so, however by the end of 1965. . . . The provinces were chomping at the bit to get along with educational TV well before that.

The Broadcasting Act plodded through all stages of Cabinet Committee (on broadcasting) and then on to full cabinet. . . . The legislation wasn't so quick in getting over the hurdles . . . including the lawyer from the Justice Department who drafted, redrafted, and drafted yet again. . . .

Finally, the new Broadcasting Act 1967-68 was assented to February 7, 1968. Pierre Juneau replaced Dr. Andrew Stewart as chairman.*

In her memoirs, LaMarsh (1969:276-277) provided an interesting conclusion to this chapter in the history of broadcasting:

* Dr. Andrew Stewart had become Chairman of the BBG (predecessor of the CRTC) on November 10, 1958, having left his position as President of the University of Alberta.

The Government, to my great relief, survived long enough to get the Broadcasting Bill past the House, through the Senate, and to be given Royal Assent. That was all I really cared about. . . .

I poured champagne all around for my staff and for members of the Broadcasting Committees of all parties. For me it was the end, the last piece of legislation. I had written "finis" to my parliamentary career. . . .

The Broadcasting Act was law, fresh management had been appointed, and I was free to go.

The Act stated that educational broadcasting could operate within the framework of the single system with the following as one of the provisions of a statement of broadcasting policy for Canada:

2(i) facilities should be provided within the Canadian broadcasting system for educational broadcasting.

Thus, it would be subject to the regulatory authority like all other broadcasting undertakings.

The matter of educational broadcasting was referred to the House, to a new committee appointed by the Pearson government—the Standing Committee on Broadcasting, Films and Assistance to the Arts, on November 17, 1967. The Standing Committee began its hearings in respect of this matter on February 8, 1968. The forum it provided proved extremely beneficial in that many groups and individuals, educators and government officials were able to make their views on the subject known. Extensive hearings were held until March 19, 1968, chaired by the Honourable Robert Stanbury. Many of the provinces expressed uneasiness during the course of the hearings. Some provinces saw the proposed federal agency as an attempt to move into the provincial area of jurisdiction over education. The CBC opposed the proposed agency on the grounds that it would be a duplication of effort and

wasteful to establish another federal public broadcasting service.

The Committee's report was never presented to Parliament. The Standing Committee ceased to exist as a committee of the House, after March 19, 1968 for the following reasons, according to Peers (1979:395):

The Liberal leadership convention in March and the dissolution of Parliament in April prevented the hearings from being conducted.

In addition a federal election was called for June 25, 1968.

Thus, the controversial issue of educational broadcasting was left unresolved, continuing into 1969.

Bill C-179: Draft Legislation to Establish a
Canadian Educational Broadcasting Agency

October 24, 1968, the new Secretary of State, Gérard Pelletier, announced the establishment of a task force to develop legislation for the implementation of the Canadian Educational Broadcasting Agency.

On March 10, 1969, Bill C-179 was introduced for first reading into the House of Commons by the new Secretary of State Gérard Pelletier. The draft legislation provided for the establishment of a new federal agency to hold licences, to operate educational broadcasting facilities, and to negotiate with provincial authorities for their use. The principal use of the proposed facilities would be for purposes coming under provincial jurisdiction. The provinces would have the responsibility for the production and programming of educational material to be broadcast over the federal facilities; the federal government would have the responsibility for transmission facilities only. Part of the government's plan was to open up television channels on the UHF band to television broadcasting in

addition to the VHF already provided for educational broadcasting.

The draft legislation defined "educational programs" as having three primary characteristics: first, the object of the systematic acquisition or improvement of knowledge; second, achievement of the objective through regular and progressive programming; third, results achieved to be subject to supervision.

This narrow definition of educational broadcasting was deemed to be too restrictive by many. This concern was expressed by representatives from each of the provinces at a September 1969 meeting of the Council of Ministers of Education, Canada. At the next meeting of the Council, held in Ottawa, October 20, 1969, it was agreed that a suitable definition should be found. A working committee of officials of the Council of Ministers of Education and the Secretary of State was established. In the meantime, the federal government announced the withdrawal of Bill C-179 November 5, 1969. Atkey (1970:214) noted that this event occurred less than one month after the Quebec Broadcasting Bureau Act became law in Quebec. Peers (1979:385) agreed with this perception:

When the new secretary of state, Gérard Pelletier, announced the withdrawal of the government's plans for a federal television agency, he acknowledged that provincial opposition, led by the province of Quebec, was the one reason for the decision.

The Council of Ministers of Education, Canada

The Council of Ministers of Education, Canada (CMEC), made up of Ministers responsible for education in the ten provinces, and the only national voice for education in Canada, emerged in the mid-sixties.

Officially established in 1967 for the expressed purpose of providing a structure for co-operative action, political forces which gave rise to its beginning lie within its parent organization, the Canadian Education Association. Bergen (1977:1) described the purposes of the Council:

The purposes of the Council are to enable the Ministers to consult on such matters as are of common interest, to provide a means for the fullest possible cooperation among provincial governments in areas of mutual interest and concern in education and to cooperate with other educational organizations to promote the development of education in Canada.

Committees and task forces are appointed by the Council to deal with specific educational matters. Their influence has been considerable, both in various inter-provincial agreements and with respect to policies of provincial and national concern. In terms of its power¹

¹It is important to note that decisions reached at the inter-governmental level are not legally binding, for legally and constitutionally there is no provision for an interprovincial body to act on behalf of the provinces. Indeed, Bladwell's (1981:26) comment that "The CMEC is seen to operate in a constitutional 'no-man's-land,'" seems a point well taken.

A review of national policies for education in Canada by the Organization for Economic Co-operation and Development (1976:89) concludes:

"Officially, there is no Federal presence in the area of education policy, and the Federal government behaves (at least in public) as if there were none. Not only is there no Federal Authority with the word 'Education' in its title, but the Federal Parliament eschews all debates that might bear on educational policy. Even reflections on educational policy happen at the Federal level only behind closed doors.

It is small wonder that the CMEC has been accused of meeting behind closed doors. Nevertheless the CMEC remains an important model of interprovincial cooperation, which may be viewed as a national pressure or interest group which exerts much influence in the field of education.

and influence, the Council may be viewed as a national pressure or interest group in the field of education, which "uses its combined ministerial clout to gain from the federal government and their various agencies, concessions on behalf of the provinces" (Bladwell, 1981:37). This description is in keeping with Almond and Powell's (1978:193) definition of "associational interest groups" as being those with a specialized structure for interest articulation which is designed specifically to represent the goals of that group.

Because interest in educational television was accelerating, an Instructional Media Committee was almost immediately set up to deal with matters relating to broadcasting, film and other media. This committee, comprising officials of the CMEC and the Secretary of State, came to play an important role in developing the definition of educational programming which was to be incorporated in subsequent legislation.

The working committee met on six successive occasions, finally coming to an agreement on a suitable definition which they submitted to the Secretary of State and the Ministers of Education from the ten provinces, at a meeting held in Toronto, December 2, 1969. At that meeting a subsequent agreement was reached concerning the accepted definition of education in terms of television programming.

The new Secretary of State, Gérard Pelletier, recognizing the importance of educational broadcasting, pledged his department's attention to the matter of arriving at a suitable definition of educational broadcasting (Public Statement, November 5, 1969).

The Definition of Educational Programming

The federal and provincial governments subsequently conferred their official sanctions to the following definitions (cited by Atkey, 1970:227 as being much broader than the definition of Bill C-179):

1. programming designed to be presented in such a context as to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed and under circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by the provincial authority by any appropriate means;
2. programming providing information on the available courses of instruction or involving the broadcasting of special educational events within the educational system.

Atkey (1970:227-228) points out that these changes are in accordance with the province's exclusive constitutional jurisdiction in the field of education:

By adding the requirement of "assessment" as an alternative to "supervision", and by deleting the specific and rigid methods of supervision or assessment, provincial authorities will be left with a much freer hand in broadcasting educational programs to persons in "out-of-school" situations while at the same time providing for some form of feed-back relationship considered so essential to most accepted concepts of "educational broadcasting" (as opposed to "general broadcasting"). And this definition is expanded to include the broadcasting of special educational events within the educational system, or information on available courses of instruction.

Subsequent legislation, PC 1970-496 (see Appendix B), a "Direction" to the CRTC issued in March, 1970 by the Cabinet, signed by His Excellency, The Governor General in Council, pursuant to Section 27 of the Broadcast Act, incorporated this definition of educational programming almost verbatim.

Legislation: Order in Council PC 1970-496

PC 1970-496 was the federal government's response to the events which have been chronicled in this chapter. Conditions had been created whereby educational channels would be set aside by licensed cable television undertakings. Appendix A of this document designates that:

. . . at least one channel of a cable transmission facility be set aside for the use of a provincial authority for educational broadcasting.

This legislation stipulates that the said "provincial authority" must be independent of the provincial government (in order that the power with which it is vested not be used for political purposes). The "Direction" states that provincial governments or their agents cannot hold licenses to broadcast:

. . . a license to operate a broadcasting receiving undertaking may not be issued or received in respect of any such undertaking situated in a province. . . .

The government, however, was faced with a dilemma: Section 3(i) of the Broadcasting Act stated that "facilities should be provided within the Canadian broadcasting system for educational broadcasting" and Section 22(i) of the Act states:

No broadcasting licence shall be issued, amended, or renewed . . .
 (a) in contravention of any direction to the Commission issued by the Governor-in-Council under the authority of this Act respecting . . . (iii) the classes of applicants to whom broadcasting licences may not be issued. . . .

In Foster's (1982:309) words: "The policy problem was to find a formula which would satisfy the Governor-in-Council and the provincial governments."

Determined opposition by provinces, still dissatisfied with this

compromise position, led to further negotiations. Every effort was being made by the federal government to cooperate with the provinces.

In a letter of reply to the then Social Credit Premier of Alberta, The Honourable Harry E. Strom, Gérard Pelletier (June 18, 1971) stated:

. . . no effort must be spared to ensure that the broadcasting and telecommunications needs of the Provinces are recognized and met. In particular my colleagues and I are giving immediate consideration to the problems of educational television in relation to the eligibility of provincial governments or their agencies to hold broadcasting licenses.

I am in agreement with your general view that new legislation covering the regulation of telecommunications should establish national policy objectives and that rigid controls should be avoided as far as possible. . . .

The Federal Compromise

Quebec was a reluctant participant in the negotiations which resulted in the compromise arrangements of 1970. They declared their intent to operate their own broadcast facilities. A press release, issued September 19, 1971, read as follows:

Quebec Communications Minister Jean-Paul L'Allier says the Quebec government may go as far as broadcasting educational television programs without a permit if negotiations with Ottawa are not concluded within the time limit set by Quebec.

Mr. L'Allier said in an interview members of the provincial Cabinet, including Premier Robert Bourassa, have already made clear that Quebec will accept no compromise formula in the field of education TV.

The Minister said that if the province's educational television plans are to be realized, agreement on this aspect of broadcasting must be reached with the federal government "because at that point we must start building our broadcasting antennas."

This forced the federal government to a position of allowing provincial governments to own and operate educational broadcasting

operations under certain conditions. These conditions were specified in a new "Direction" issued to the CRTC.

Legislation: Order in Council PC 1972-1569

Foster (1982:365) described how the government backed away somewhat from its original policy regarding the licensing of educational broadcasting:

Under the new direction the Commission was instructed a licence could not be issued to a province or an agency of a province. An agent of a province did not include a corporation that the Commission considered was not directly controlled by a provincial or municipal government and which was designated by the province for the purpose of broadcasting educational programming as defined.

Section 2 of the Order in Council (PC 1972-1569) specified the conditions of ineligibility of applicants:

- (a) Her Majesty in right of any province; and
- (b) agents of Her Majesty in right of any province.

Section 3 of the "Direction" specified eligible applicants for licences as being "independent corporations":

. . . a corporation that the Canadian Radio-Television Commission is satisfied is not directly controlled by Her Majesty in right of a province or by a municipal government and that is designated by statute or by the Lieutenant-Governor in Council of a province for the purpose of broadcasting the following types of programming, namely:

- (a) programming designed to be presented in such a context as to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or at the enlargement of understanding of members of the audience to whom such programming is directed and under such circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by a provincial authority or any appropriate means; and

- (b) programming provided information on the available courses of instruction or including the broadcasting of special education events within the educational system, which programming, taken as a whole, shall be designed to furnish educational opportunities, and shall be distinctly different from general broadcasting available on the national broadcasting service or on privately owned broadcasting undertakings.

Thus, the government had achieved a compromise position. The two "Directions" issued to the Commission since the coming into force of the Broadcasting Act 1967-68 (PC 1970-996 and PC 1972-1569) together form the mandate for educational broadcasting. In effect, they reflect the Federal Government's earlier promise "to ensure that the broadcasting and telecommunication needs of the Provinces are recognized and met. In particular . . . educational television" (Pelletier, Letter to Strom, June 18, 1971).

Hoodrow, Woodside, Wiseman and Black (1980:31) summarized the process of negotiations which had taken place:

Negotiations between the federal and provincial governments ensued, with the intention of defining the scope of educational broadcasting more specifically and working out a suitable administrative arrangement. The formula adopted in 1972 provided for an interdelegation of administrative power whereby provincial educational authorities were authorized to run broadcasting stations as long as these authorities operated independently of provincial government control and accepted the regulatory supervision of the CRTC. As a result . . . the provincial governments were able to consolidate and legitimate their opening activities in the area of educational broadcasting while the federal government continued to preserve its over-arching jurisdictional and regulatory authority.

Summary

Communications policy in Canada has evolved in a highly centralized fashion. Broadcasting is viewed as an instrument of national purpose and the Canadian broadcasting system is considered to be a "single system." Because broadcasting undertakings make use of radio frequencies that are public property, paramount consideration must be given to the realization of interests of Canada as a whole.

The problems created by the advent of educational broadcasting, inherently divided in jurisdiction, required the negotiation of a compromise solution. A suitable definition of educational programming was negotiated between the federal government and the provinces, and an interdelegation of administrative responsibilities set out in the formula adopted in 1972 (OC PC 1972-1569). Provincial educational authorities were authorized to be licensed by the federal government (through its agent, the CRTC) with the stipulation that these provincial authorities operate independently of provincial government control, and under the jurisdiction of the federal government.

Chapter 5

THE EVOLUTION OF EDUCATIONAL BROADCASTING IN ALBERTA

Educational broadcasting has had a long history in Alberta beginning with radio station CKUA.¹

The History of Educational Radio in Alberta

Radio Station CKUA was licensed to the University of Alberta's Department of Extension in 1927 as an educational station and has carried on educational broadcasting continuously since that date.

CKUA and Its Relationship to the Evolution of Broadcasting Policy in Alberta

Radio Station CKUA² began broadcasting on a non-revenue-producing

¹ There have been regular school broadcasts (radio) in Alberta over CKUA and other Alberta stations since before the Second World War. In the 1940's the CBC established a school broadcast service which enabled Alberta and other provinces to use its facilities and network for the production and transmission of radio programs to schools. For many years most schools in Alberta have had access to one fifteen-minute program and one half-hour program each school day for most of the year. These were "under the supervision of the School Broadcast Section of the Audio Visual Services Branch of the Department of Education" (R. A. Morton, "Alberta Educational Communications Corporation Prospectus," September, 1973, p. 2). After the formation of the Council of Ministers of Education in 1967, an instructional media committee was set up to deal with these matters and continue to negotiate agreements with the CBC.

² The station's founder, Dr. E. A. Corbett, from the University of Alberta's Department of Extension, also became the founding director of the Canadian Association for Adult Education (1936). In 1938, Corbett undertook a study of school broadcasting for the CBC, pioneering a series of broadcasting experiments and the organization of listening and discussion groups (which were later developed into programs such as "National Farm Forum" and "Citizens Forum").

basis at a power of 500 watts. In 1939 it made successful application to increase the station's power to 1000 watts. After the increase in power was in effect (1941), the University had difficulty meeting the increased operating costs. It made application on subsequent occasions to federal authorities for a removal of the non-commercial restriction of the licence, in order to be in a position to subsidize their funding with commercial revenue. When approval was not forthcoming, the operation was transferred to Alberta Government Telephones. A memorandum of agreement between "The Governors of the University of Alberta" and "His Majesty the King in the Right of the Province of Alberta represented herein by the Honourable, the Minister of Railways and Telephones," was signed April 18, 1944. The Agreement stated:

The University will make application to the Department of Transport of the Government of Canada for the transfer to the Minister of Railways and Telephones for the Province of Alberta, of the Broadcasting Licence issued with respect to Radio Station CKUA.

Alberta Government Telephones was authorized under an Order in Council (636/44, April 28, 1944) to purchase the CKUA facilities.

Prior to 1944, CKUA was owned and operated by the Governors of the University of Alberta. After the authorization, an arrangement was negotiated between the University and the provincial Department of Telephones (AGT) whereby the latter would own and operate the station in return for a certain number of hours that the University would program.

CKUA continued to operate in this manner (although, in effect, it was in contravention of the federal government's policy of not granting broadcast licences to provincial governments or their agents).

During his presentation to a hearing of the Standing Committee on Broadcasting, Films and Assistance to the Arts, February 29, 1968, Larry Shorter (then, the Supervisor of Audio Visual Services, Alberta Education) declared:

Alberta Government Telephones for many years has operated radio station CKUA in Edmonton. Our Minister, Mr. Reiersen, was the Minister responsible for its operation for seven years. We invite you to consult the BBG, whom we are sure will agree that CKUA over its 40 year history, has never been operated irresponsibly or politically. (Standing Committee on Broadcasting, Film and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968 at p. 440)

Despite the federal government's recognition that CKUA had been operated responsibly, the matter of licensing provincial radio stations had become an embarrassment. Larry Shorter explained the basis for this "embarrassment": "CKUA became a problem . . . when a Member of Parliament from Quebec started asking questions in the House" (Interview, Shorter, April 12, 1982). Hansard (December 11, 1968, #3017) recorded an inquiry concerning the licence granted to CKUA, made by the Honourable Martial Asselin (member from Charlevoix). The Honourable Member raised this question in the light of a previous discussion in the House, December 5, 1968, which had "reaffirmed that licences for educational broadcasting would not be given to the provinces or their agencies" (Hansard, December 11, 1968, #3017).

Shorter elaborated:

Finally someone had drawn public attention to the fact that Quebec couldn't get licensed and Alberta technically was. That was when the CRTC started getting concerned . . . (Interview, Shorter, April 12, 1983)

Shorter brought this discussion to the attention of the Honourable R. Reiersen, Minister of Telephones, in a letter dated March 5, 1969. In the letter Shorter mentioned that he had been contacted by a member of Mr. Pelletier's staff (who had special responsibility to the CRTC, while serving as Secretary of the Educational Broadcasting Task Force).

Reiersen, made aware of this highly sensitive area, subsequently communicated with Pierre Juneau, Chairman of the CRTC:

. . . it has never been our intention to operate the station in any manner except as an educational and cultural outlet, and this is the nature of the present operation. . . .

.

In view of the information outlined, we are most interested in receiving any suggestions from yourself as to minimum reorganization necessary to meet your licensing policy.

(Letter, November 14, 1969)

A meeting¹ was held in the Ottawa offices of Pierre Juneau (Chairman of CRTC) December 11, 1969. Mr. Juneau indicated that he would wish to see CKUA "owned and operated by an entity independent from Government, which could be licensed directly" (Notes on meeting, December 11, 1969, by Honourable R. Reiersen, Minister of Telephones).

The Secretary of State, the Honourable Gérard Pelletier, discussed the meeting in a letter to Reiersen (July 29, 1970):

The general consensus from this meeting was that we who hold responsibilities of administering the affairs of CKUA would endeavor to study possibilities of reorganization to a structure that might satisfy Government of Canada policy. At the same time the President and members of CRTC would also explore ways and means whereby they might make suggestions of how we could proceed to accomplish the suggested purpose.

¹Attending were Dr. M. Wyman, President of the University of Alberta, Mr. J. Hagerman, Manager of CKUA, Mr. Pierre Juneau, Chairman and Mr. Harry Boyle, Vice Chairman, CRTC and the Honourable Gérard Pelletier, Secretary of State.

Meanwhile, a CRTC Public Announcement, March 25, 1970, had renewed the CKUA licence for the period April 1, 1970 to March 31, 1971. The announcement stated the following policy:

On the basis that the effective authority of the licensee, the University of Alberta, has been transferred to the Alberta Government Telephones Commission, an agency of the Crown in the right of Alberta. The Commission will have to relate this case to the policy of the Government respecting the granting of broadcasting licences to Government authorities and agencies under their jurisdiction.¹

In addition, a news release from the Secretary of State's office (June 9, 1970), referring to the formal direction to the CRTC (that provinces and their agents were not eligible for broadcasting licences under the Broadcasting Act), reiterated Pelletier's November 5, 1969 statement (as discussed in the previous chapter):

This is in line with the long standing policy of the federal government, reaffirmed again last November by the Secretary of State when he announced a series of measures designed to assist the development of educational broadcasting.

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He indicated that the Canadian Radio Television Commission will be permitted to renew those licences for a period which could be up to March 31, 1972. During the renewal period and with the assistance of the Canadian Radio Television Commission, it is hoped that acceptable corporate structures will be devised. . . .

The dilemma became that of devising a formula for an acceptable governmental structure for CKUA which would accommodate some form of provincial control.

A hue and cry was raised throughout the province of Alberta. Letters from individuals and groups poured into various

¹The Secretary of State issued a direction to the CRTC, PC 1970-492 (SOR/70-241) dated June 4, 1970, that licences could not be issued to a provincial government, an agent of a provincial government, or an educational institution.

offices of both the federal and the Alberta governments, to Alberta's newspapers and to CKUA Radio. Historian Tony Cashman (1972:401) writes: "CKUA has seldom been heard by a large audience but the audience can be heard whenever the station was threatened. . . ."

A typical newspaper editorial in support of the continuation of CKUA's licence is perhaps best illustrated by the Red Deer Advocate:

SAVE CKUA

The Canadian Radio Television Commission is getting plain unreasonable.

Lift CKUA's licence, indeed!

Let CRTC try. Then it will find out what an enraged province and public is all about.

If ever there were a station in Canada which has tried to meet both the spirit and the letter of Canadian broadcasting policies down through the years, it is CKUA, originally the radio voice of the University of Alberta itself.

If ever there were a station which has put the public interest first, it is CKUA.

About the only thing wrong with it is that its signal doesn't reach all of Alberta—which is something the Alberta government ought to correct before it gets mired in cable television broadcasting.

If there's a place for the CBC in Canada, then there is a place for CKUA in Alberta, a station which frequently has done a far better job in its sphere than the CBC ever has on any consistent basis.

The CRTC, of course, doesn't like CKUA's licence to be held by Alberta Government Telephones, an arrangement which is a technicality because there never has seemed to be any other suitable candidate to hold the licence. Now, the threat is that unless the licensing arrangement is "regularized," the licence itself will be lifted after March 31, 1972.

Part of the CRTC's fear, of course, is that other provincial governments (what about Quebec?) will get into the broadcasting business. Well, why not? If they do as good a job as CKUA has in Alberta, the whole country will be better off. And if, as some fear, provincial governments turn their radio (and TV) outlets into propaganda organs, so what? The public is pretty discerning these days. It can easily boot offending politicians out of office.

At the moment, though, it isn't politicians who are so much erring in Canadian broadcasting as the CRTC. It seems obvious

to anything but its own unrealistic concept of what broadcasting in Canada ought to be all about. It seems deaf to the idea that anyone else in the country has any ideas for better Canadian broadcasting. (Red Deer Advocate, June 10, 1970)

An editorial in the Edmonton Journal (June 11, 1970) stated:

CKUA, whose licence is held by the University of Alberta as an agent of the provincial government has been remarkably free of political influence over the years, though it may be argued that a new government could take a different approach.

The groundswell of support increased. The Edmonton Journal, August 8, 1971, described what was becoming a visible and powerful interest group:

Earlier this year, Mr. Reiersen was approached by the "Silent Majority of Edmonton" a group claiming to speak for about 2000 Edmontonians, who felt unanimously that CKUA is providing a valuable public service through its educational broadcasting.

Since that time he has made three representations to the CRTC on behalf of the station.

A period of negotiation ensued as is illustrated by the following excerpt from a letter (September 22, 1970) to the Honourable R.

Reiersen from Pierre Juneau:

You are quite right in saying that we had agreed that we would try to think of a formula which we would then discuss with you. Our people have been working on this and we shall try to get in touch with you or your representatives as soon as possible.

Meanwhile, the Alberta Government awaited suggestions from Ottawa regarding the restructuring of CKUA. The hearings of the CRTC, held in Winnipeg on November 10, 1970, considered the CKUA licence renewal application (as well as the other stations whose licences were in jeopardy¹). While gathered in Winnipeg, it seemed

¹The stations affected were the following: CFRC-AM, CFRC-FM, Kingston, Ontario, Queen's University, Department of Electrical Engineering; CKUA-AM, CKUA-FM, Edmonton, Alberta, University of Alberta; CJRT-FM, Toronto, Ontario, Ryerson Polytechnical Institute; CJUS-FM, Saskatoon, Saskatchewan, University of Saskatchewan.

expedient for those concerned to hold an informal meeting. Frank Foster, Secretary of the CRTC, suggested the meeting take place November 11, 1970. Attending the meeting was CKUA station manager, Jack Hagerman, CRTC Counsel, John Hylton and Frank Foster, CRTC Secretary (internal memo from H. D. Williamson, General Counsel, AGT, to L. Keatley, Director of Administration, AGT, November 18, 1970). Hylton had met with the other managers of the radio stations in the same classification as CKUA (see footnote page 72), also in jeopardy of losing their licences.

The licences of all stations concerned were subsequently officially renewed, reaffirming Pelletier's June 19, 1970 announcement¹ (see above). The CRTC issued a Public Announcement February 4, 1971 which granted renewals for the period April 1, 1971 to March 31, 1971; however the hope was expressed that "new corporate structures deemed acceptable by the CRTC will be devised." Just what form these "structures" would take in Alberta was left in abeyance, pending the provincial election which was to take place in September, 1971.

The History of Educational Television in Alberta

The University of Alberta Faculty of Education and the Edmonton Public School Board began experimental work with closed-circuit television for education as early as 1954² in order to determine whether ETV had a real value for schools.

¹It will be recalled that the direction issued to the CRTC by the Secretary of State (NC PC 1972-922) was the basis for this policy which allowed the Commission to renew the licences of the university stations only until March 31, 1972. This was in order to give the licensees time to devise new "structures."

²In October of 1954 the first television station opened in Edmonton, CFRN-TV, and began broadcasting.

In 1957 and 1958 a joint committee was formed by individuals from the Department of Education, the Faculty of Education, University of Alberta, the Edmonton Public School Board, the Edmonton Separate School Board and CFRN-TV. In 1960 a two-day conference on television in education was held, sponsored by the Department of Extension at the University of Alberta, and subsidized by the Ford Foundation. From that time on, interest in educational television grew.

Richard A. Morton (who was then serving as Associate Director of Curriculum for Alberta Education) reminisced about the activity of the '60's (Interview, Morton, March 18, 1983).

These things rarely just come out of the blue—they evolve.

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There was a great upsurge of interest on this continent in educational television. It was a feeling that comes up every once in a while.

Morton saw another factor as being vital to this resurgence; that of "Sputnik":

It was perceived that the Soviets had got ahead of us in the space program. . . . a lot of TV stations were established in the United States with the help of state legislatures and the Ford Foundation. Television made a good math or science teacher available to many classes at one time . . . multiple classrooms . . . and the spillover in Alberta manifested itself in an interesting way. . . .

Morton helped arrange a tour which was sponsored by the Ford Foundation. A visit was paid to American cities which were pioneering the use of educational television.

Meanwhile, in Alberta, interest in educational television was growing. In Edmonton, in 1963, a decision was made to form a

co-operative group in order to investigate various means of bringing television to the schools.¹ The group comprised representatives from the Edmonton school systems, the University's Department of Extension and the Department of Education. Funds were raised to bring Jack McBride, an educational television consultant from Lincoln, Nebraska, to Edmonton. The McBride Report recommended the construction of two educational television stations, one in Edmonton and one in Calgary. This served as a starting point for planning the development of educational television, first in the Edmonton area, then in Calgary. This milestone is documented in a Brief presented to the Parliamentary Standing Committee on Broadcasting, Films and Assistance to the Arts, February 29, 1968, on behalf of the Metropolitan Edmonton Educational Television Association (MEETA).

This was the first occasion in the history of Edmonton in which all educational authorities; the University of Alberta, the Edmonton Public School System, the Edmonton Separate School System, the Department of Education of the Province and contiguous rural school systems had brought themselves together in common purpose. The development thus far commended itself to the Provincial Government and subsequently the Department of Education joined this group as a partner. (Standing Committee on Broadcasting, Films and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968 at p. 498)

This group joined together to form MEETA, becoming incorporated in 1966. MEETA's financial support came from twenty-eight school jurisdictions within its area as well as from the Alberta Department of Education and the University of Alberta. Immediately following their incorporation, a brief was prepared which made application for

¹At this point, they called themselves the "Edmonton Area Television Association." They were later to incorporate themselves as the "Metropolitan Edmonton Educational Television Association" (MEETA).

a licence to broadcast on a television channel.

In the meantime, MEETA continued to carry on school broadcasting. They had the use of the private station, CFRN-TV, as well as the CBC station in Edmonton.

Ontario and Quebec were also engaged in the same year (1966) in actively seeking licences for educational broadcasting. The publication of the federal government's White Paper¹ on Broadcasting (1966), however, delayed any further progress in this regard.

The federal "White Paper" (1966) had in fact been the federal government's response to this flurry of activity by Quebec, Ontario and Alberta seeking licences for educational broadcasting facilities. One of the policies proposed in the White Paper (Chapter 9) with regard to educational broadcasting was the allocation of UHF (Ultra High Frequency) channels for educational television.² This policy created a debate which was to be waged for many years to come.

This policy was consistently opposed by Alberta Government's Department of Education. In a brief to the Board of Broadcast Governors, at the "Special Hearing on Opening Up the UHF Broadcasting Band" by the Alberta Department of Education (October 25, 1966), the position was taken that VHF channels and not UHF channels were requested because of Alberta's geographic location with respect to population centres. Therefore the view was expressed that allocation

¹ The White Paper (LaMarsh, 1966) had indicated that a federal authority would, in fact, own and operate educational television facilities.

² The reason for this policy was the scarcity of VHF channels which remained unallocated in the more populated urban centres. UHF channels were more numerous and therefore more are available. (This would require conversions of existing receivers.)

of VHF channels was more appropriate, in Alberta, since at that time there were still unused VHF channels available.

At a later hearing of the Standing Committee on Broadcasting, Film and Assistance to the Arts, February 29, 1968, MEETA endorsed this view. Their brief was concluded with the following statement:

It might be argued that, as a matter of national policy, UHF channels should be reserved for education. It is not our intention to debate this point here. What does appear clear, however, is that given substantial differences in television reception problems from region to region and province to province, individual applications should be considered on their merits. Should it become an established policy of government to reserve the UHF channels for education, we would contend that on a temporary basis at least, and until a reasonable number of UHF receivers are evident in the community, MEETA should have access to one of the VHF channels [emphasis in the original]. (Standing Committee on Broadcasting, Film and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968 at p. 499)

At this Standing Committee hearing,¹ Alberta's Minister of Education, the Honourable Ray Reiersen, made a strong plea for a VHF broadcasting licence:

We have proceeded with various types of educational television in Edmonton. It was our hope that we might have an on-air station in Edmonton to carry out the one area of experimental educational television that would make it complete. (Standing Committee on Broadcasting, Film and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968 at p. 435)

¹ In attendance: From the Province of Alberta Department of Education were: Hon. R. Reiersen, Minister of Education; Mr. R. A. Morton, Associate Director of Curriculum (Educational Media); Mr. Larry T. Shorter, Supervisor, Audio-Visual Services Branch, and Coordinator of the Alberta Pilot Projects for Television in Education. From the Calgary and Regional Educational Television Association: Mr. L. A. Robertson, Executive Director. From the Metropolitan Edmonton Educational Television Association: Mr. T. D. Baker, Chairman of the Board of Directors of MEETA, Acting Superintendent, Edmonton Public School Board; Mr. Henry Mamet, Member of the Board of Directors of MEETA, Director of the Radio and Television Committee of the University of Alberta; Mr. G. A. Bartley, Consulting Engineer. The chairman was Mr. Robert Stanbury.

Following these hearings, the federal regulatory agency responsible for broadcasting at that time (the BBG) recommended to the Federal Cabinet that the Metropolitan Edmonton Educational Television Association be granted the use of Channel Eleven (on the VHF band).

It is evident from the above discussion that the Social Credit government was actively seeking "a broadcast presence": "The Social Credit people needed something very visible. They wanted a real presence—a broadcasting presence" (Interview, Hans Kratz, Director, Alberta Educational Communications Authority, May 2, 1983). In addition, this government was sponsoring an investigation into a variety of other delivery modes for educational television. In 1966 a series of pilot projects was launched.

The Alberta Pilot Projects for Television in Education (APPT), 1966-1969

The APPT project consisted of a number of experimental projects, the purpose of which was to explore the use of television in various educational contexts. This innovative concept, unique in Canada, was developed in order to help determine future directions of educational television in Alberta. The Alberta Pilot Projects on Television in Education 1966-1969 were described in the February 29, 1968 brief of the Department of Education, Province of Alberta to the Standing Committee on Broadcasting, Films and Assistance to the Arts:

The Department is at present supervising and co-ordinating a series of pilot projects under the title The Alberta Pilot Projects for Television in Education. We speak of "television

education" rather than "educational television" because we recognize that there are many educational uses of TV other than the broadcast of programs or lessons. We are trying out television in many forms, in a number of locations and under a variety of conditions. Only by working with television in several contexts: broadcast, microwave, intra-school, and single room closed circuit, do we believe we will be able to assess properly the effective applications of television to education. To this end, our department is sharing more than 50 per cent of the costs of some \$800,000 worth of television projects this year. (Standing Committee on Broadcasting, Films and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968 at p. 486)

The APPT had come about for a variety of reasons. First, the above mentioned study commissioned by the provincial governments, culminated in the McBride Report (1964), had recommended the construction of two educational television stations, one in Edmonton and one in Calgary.

During the period 1966 to 1969, firstly MEETA, and then CARET (Calgary and Regional Educational Television) were developed as non-profit companies, financed by their member organizations with each receiving about fifty percent of its revenue from the provincial government. These projects spawned a variety of experiments which took place at all levels of complexity, ranging from broadcast studios to small, single classroom closed-circuit projects.

Secondly, as Associate Director of Curriculum and Supervisor of School Broadcasts for the provincial Department of Education (1954-1964), R. A. Morton had already been closely involved with experimental programming with the CBC, then later with CFRN. But pressures for a provincial system of educational broadcasting were beginning to mount:

There were pressures on Government to use this medium for educational purposes. . . . I took a more rational civil servant approach. Let's not jump into it, let's study it. In the early '60's after the government had funded various

research studies (e.g., McBride study) which contributed to building up the momentum. . . . I remember getting an idea like a light bulb. I submitted a one page proposal in the spirit of "let's try various experiments," to the Director of Curriculum.

.
This is where the Pilot Projects came from

.
The idea was that we can't get an educational station but maybe we can work with the CBC (or whatever) in order to get time on a station so that we can do educational programming and try them out in broadcast modes. Just at that time the CBC was thinking about launching a French language channel in Edmonton. We wanted some use of it. They granted us three years for our pilot projects. . . . The other . . . 2500 megahertz on a point to point basis. . . . The ability to send four channels at a time. . . . We set up two projects, one in Calgary at SAIT . . . beamed to twenty-six schools. AGT underwrote it. . . . We were looking at different broadcast modes. . . . We were also looking at the video tape recording and distribution of videotapes.

.
I hired Larry Shorter to be the Pilot Project Director in 1967. . . . (Interview, Morton, March 18, 1983)

Alan Robertson described the Pilot Projects as follows:

There were little mushrooms of projects popping up all over the place. Dick was concerned lest there be a lack of co-ordination and even an exchange of information. He could see that from where he was sitting in government, his role was keeping him too much involved with the overall picture to be able to spend too much time on any one of these projects, so he got permission from the Minister to appoint a co-ordinator for the Alberta Pilot Projects in Television in Education. That co-ordinator was Larry Shorter, whom he had met as members of the CMEC sub-committee. (Interview, Robertson, April 2, 1983)

The provincial groups worked closely together:

Dick Morton had regular meetings with each little project that was starting at that time. There were two major ones: CARET and MEETA, both about at the same stage of historical development. (Interview, Robertson, April 2, 1983)

Third, an advisory committee to the Minister, which was created concurrently with the APPT (1966), played an important role in its development. The advisory committee had been formed as a

result of a brief presented to Government by "The Edmonton Area Television Association" (prior to its incorporation as MEETA). The Department of Education, through its representative R. A. Morton, endorsed the brief, in principle, agreeing that "the pattern of administration and development of educational television in Alberta should take into account both province wide concerns as well as local and regional initiatives" (untitled document, undated). Morton, therefore, recommended the development of a "provincial pattern" or "framework":

While the brief has implications beyond strictly local developments of educational television in Calgary and Edmonton, no overall provincial pattern of responsibility is stated. It would seem necessary that if television is to be used at all levels of education for the benefit of the people of Alberta, as a whole, that the Government of Alberta provide a general provincial framework in which local or regional projects will have a place. (Untitled document, undated).

Thus the formation of a provincial television board or committee was recommended. The function of the committee was envisaged as follows:

To conduct studies and provide information to the Provincial Government . . . concerning the development and utilization of television facilities by education. The Board would also have the authority to regulate and control local educational television and make recommendations to the Provincial Government concerning support for local educational television projects. The Board through its regulatory function should be able to effect exchanges of programs among centres as well as avoid overlapping of services, and generally work toward the efficient use of facilities and programs throughout the province. (Untitled document, undated)

This is how the Minister of Education, the Honourable R. Reiersen, came to appoint an "advisory committee on television in education" which served as an advisory group to the pilot projects. Reiersen described the committee:

At present we have an advisory committee to the pilot project—a committee which is designated as the Minister's advisory committee—and on this committee the major educational interests of Alberta are represented; the Alberta Teachers' Association, the Alberta Trustees' Association, and so on. There is some indication that a province-wide educational television association might be a logical outcome of this whole process. The role of the Department of Education, then, thinking of it in this particular way, would be one of support, of co-ordination and of supplying a certain amount of expertise. It is possible that we would have to provide more leadership and assistance to the non-urban areas where these resources are scattered and, indeed, the need is probably great there. (Standing Committee on Broadcasting, Films and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968 at p. 439)

As Reiersen had predicted, this committee was to play an important role in the shape of things to come.

The progress of the Pilot Projects was described in an "Alberta Provincial Report to the Council for School Broadcasting in the English Language" (1967-68):

The Alberta Pilot Projects involve separate pilot programs in a variety of situations. It is anticipated that evaluations of these pilot programs will yield guidelines for a Provincial ETV policy after June 1970.

CARET - (Calgary and Regional Educational Television) a non-profit company of which the Department of Education is a member, consists of a 4 channel, 2500 MHz system broadcasting to, and producing for, 24 Calgary Elementary and Junior high schools. First broadcast was in May 1968. Studios are located in the Southern Alberta Institute of Technology. Future plans will likely involve feed to a local CATV system.

MEETA - (The Metropolitan Edmonton Educational Television Association) a non-profit company of which the Department is a member. MEETA will go on air in early 1970 as Canada's first community ETV station. Forty hours per week of programming will be transmitted on Channel 11, reaching an audience of 500,000 within a 60 mile radius of Edmonton. APPT completed negotiations with the CBC for this service and has contracted three years of air time, including prime evening hours, for MEETA.

Dubbing Project - APPT is presently constructing video tape dubbing facilities for joint use among its pilot projects and for open access by all the schools of the province. Presently there are some 85 VTR's being used in Alberta schools. Alberta is regarded as the pioneer of this concept in Canada.

COMET - (County of Mountain View Educational Television) a county program which the Department subsidizes, consists of a one channel 2500 MHz system broadcasting to seven schools in Didsbury, Carstairs, Olds, Cremona and Sundre. Production and broadcasting facilities opened in September 1968 and are located in the county offices at Didsbury.

SAETVA - (The Southern Alberta Educational Television Association) a non-profit consortium of 24 educational authorities in Southern Alberta. The Association is presently circulating 6 video tape recorder-playback "packages" among its schools in a unique project.

Grande Prairie was the last Pilot Project to come on stream. It was described by Robertson (Interview, Alan Robertson, April 2, 1983) as "an experiment in cablecasting wherein two schools were coupled together with a television camera monitoring the effects of TV in the classroom."

The Pilot Projects had been set up as a means of experimentation in order to determine the pattern which would be deemed most suitable for education in Alberta. Each project was set up differently and operated independently in order to obtain a diversity of both content and mode of delivery. Alberta's Minister of Education, the Honourable Ray Reiersen described the philosophy of his government in setting up the projects:

The initiative for educational television in Alberta came from local administration or groups of local administrations. In each case the formation of the associations as a rather loose grouping of representatives of the school systems and universities, together with representatives of the Department of Education . . . have set something of a precedent so far as this type of educational organization is concerned.

.

Our Department has really been assisting local people to take advantage of their own initiative.

As far as we are concerned, there may be a temptation to operate a centralized studio and produce programs for schools in all parts of Alberta, but at the moment we do not think education works very well that way. Certainly the trend in our province at least is to give greater autonomy—this is also true in matters of curriculum.

The point is that we cannot yet say what the ultimate pattern of educational broadcasting will be in Alberta or, more properly, what the ultimate pattern of educational television will be, whether it be broadcasting or not. If we could do this, then there would be no need for our pilot study. However, we have made certain assumptions which we are testing. One hypothesis is that at least in the metropolitan areas of Edmonton and Calgary development can proceed best by means of the various educational authorities working together through autonomous entities. (Standing Committee on Broadcasting, Films and Assistance to the Arts, Minutes of Proceedings and Evidence, No. 15, February 29, 1968, at pp. 438-439)

The shape of things to come was ultimately determined by a number of interacting and unforeseen circumstances which caused the "pattern" to deviate from that envisaged by the Social Credit government. The ultimate structures which evolved grew out of a completely different philosophical and ideological base as will become evident in later chapters.

In June, 1969 the Canadian Broadcasting Corporation applied for a licence to carry on a new television broadcasting undertaking in Edmonton, with French language CBC programs and educational television programs on Channel 11 (VHF).

At the CRTC hearings held in Montreal various groups made representation concerning this matter. Among these groups were the Alberta Government's Department of Education, and the Metropolitan Edmonton Educational Television Association (MEETA).

The CBC's application was approved August 1, 1969,¹ and a licence granted for three years. At the time of the application, in order to make it possible for provinces to have access to educational broadcasting facilities, the federal government insisted that all licences be held by their "agent." CBC acted as the federal government's "agent" (pursuant to Section 39(2) of the Broadcasting Act), providing facilities to provinces wishing to take advantage of this opportunity. Alberta and Ontario were quick to respond.

After the approval of the licence for the Edmonton station, MEETA and CBC formed an agreement whereby MEETA would use the CBC facilities for a specified number of hours per week to broadcast English language educational programs and the CBC would retain the licence and remain responsible for all programming, of which the educational programs formed a part.²

These cooperative school broadcasts were made possible by an agreement between the Council of Ministers of Education, Canada and the CBC whereby a federal agency—the CBC—provided the production and

¹The approval of the CBC's licence for the use of Channel 11 in Edmonton for educational programs anticipated the new federal policy position later stated by Secretary of State Gérard Pelletier, November 5, 1969 (discussed in Chapter 4). In his statement the Secretary of State announced the government's decision not to proceed with the development of the Canadian Educational Broadcasting Agency, and the government's intent to set aside at least one cable channel for educational programming. The announcement also stated the government's decision to continue its policy of not granting broadcasting licences to provincial governments or their agents.

²School broadcasts produced in co-operation with CBC had formed an essential part of education in Alberta: "From the early 1960's with the cooperation of the CBC one half-hour television program per school day had been broadcast, two of which each week originate in Alberta under the School Broadcast Section" (R. A. Morton, "Alberta Educational Communication Corporation Prospectus," September, 1973, p. 2).

broadcast facilities, and the provincial departments of education the program content. Some programs were organized provincially, some regionally and some nationally. The agreement further provided that at the end of the three year period, "the station become an integral part of the French language television network of the CBC"¹ (CRTC public announcement, Ottawa, August 1, 1969).

Although the federal cabinet had previously recommended that only UHF frequencies be made available for transmitters dedicated to educational broadcasting, the MEETA agreement with CBC for the sharing of Channel 11 was an exception.

MEETA went "on-air" on Channel 11 in early 1970 as Canada's first community ETV station, leasing forty hours each week on Channel 11 for broadcasting educational programs.

A few months later, a similar arrangement was negotiated in Ontario. January 30, 1970 the CRTC issued a public announcement. The CBC had been licensed to carry on a new television broadcasting undertaking at Toronto, Ontario, "to provide a transmission facility for educational programs under provincial authority. The undertaking would operate on Channel 19 [on the UHF band]."

The conditions of licence specified that the facility could be used for broadcasting only the type of programming specified:²

¹ When the licence expired three years later, it became CBXFT, licensed to the CBC as a French language public station. The Alberta Educational Communications Authority, in existence by that time, arranged similar agreements with other private television stations.

² The type of programming specified here, it will be recalled from the discussion at the end of Chapter 4, was reiterated as the definition of educational programming in the federal directions which were to follow: OC PC 1970-459 and OC PC 1972-1569.

1. programming designed to be presented in such a context as to provide a continuity of learning opportunity, aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed, and under circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by the provincial authority by any appropriate means;
2. programming providing information on the available courses of instruction, or involving the broadcasting of special educational events within the educational system.

The intention of the above provision is to ensure that such programming, taken as a whole, shall be designed to furnish educational opportunities and shall be distinctly different from general broadcasting available on the public or private channels.

Reasons: The programming, as proposed in the application, is in compliance with the above definition, which is set out in the agreement reached between the Secretary of State and the Council of Ministers of Education, Canada, as announced on December 3, 1969. (CRTC Public Announcement, January 20, 1970)

At this point, it is important to note that throughout the constitutional discussions on the subject of educational broadcasting, the central issue was not so much whether to allow provinces to proceed with broadcasting, under their constitutional mandate in the field of education, but exactly what type of broadcasting constitutes education.

As the reader will recall from the discussion in the preceding chapter, the narrow definition of educational broadcasting which had been proposed with Bill C179 had been seen as being too restrictive by many.

The Federal Government had responded to these dissenting views following the withdrawal of Bill C179, with a statement of its new policy position on November 5, 1969 (Gérard Pelletier's Public

Statement, discussed in the preceding chapter) and the broader definition of educational programming negotiated by the Council of Ministers of Education, Canada and the Secretary of State.

Atkey, it will be recalled, held that the new definition was more in accordance with the provinces' exclusive constitutional jurisdiction in the field of education, citing the following reasons:

The provinces require the utmost in flexibility in attempting to carry out their responsibilities in this field. As long as they are each given a viable "broadcasting framework" by the federal government . . . within which they can freely determine educational and pedagogical broadcasting priorities according to the particular and distinct needs of their residents. . . . (Atkey, 1970:230)

This federal policy did in fact allow the "flexibility" of which Atkey speaks, to occur. Individual provinces worked out individual solutions to their own unique situations.

Because the federal legislation made it necessary for provincial "authorities" to be in place in order to negotiate with federal authorities for access to educational broadcasting facilities, both Ontario and Alberta set up such "authorities." Bill 43, entitled the Ontario Educational Communications Authority Act, was introduced in the Ontario Legislature by the then Minister of Education, the Honourable William Davis, March 19, 1970. This bill set up the Ontario authority. Alberta followed a few weeks later.

The Alberta Solution

In Alberta, on the recommendation of the Minister of Education (the Honourable Robert C. Clarke) and the approval of Cabinet, an Order-in-Council (OC 217-70) signed by the Lieutenant Governor February 9, 1970 designated the Minister of Education as the provincial

authority to enter into agreements for educational broadcasting:

1. The Minister of Education be and is hereby authorized to enter into an agreement with the Government of Canada, or its designee, to obtain use of educational facilities and/or making the facilities available to educational television authorities in Alberta

and

2. The Minister of Education be and is hereby authorized to enter into an agreement with educational television authorities in Alberta for the purpose of making available to them facilities for broadcasting educational programs.

OC 217/270 provided authorization only to enter into agreement with (1) the Government of Canada (or its designee) and (2) educational television authorities in Alberta. In order to facilitate the function (of "entering into agreements . . .") a Departmental (Education) Ministerial Order was issued, August 1, 1970 by the Minister of Education, the Honourable R. C. Clarke, to establish the first "Alberta Educational Communications Authority." The document stated:

Whereas O.C. 217/70 has authorized the Minister of Education to enter into agreements with the Government of Canada or its designee and with educational television authorities in Alberta for the purpose of making available to them facilities for broadcasting educational programs.

and

Whereas it is deemed desirable that the Minister of Education have access to a group of advisors in connection with the above agreements.

and

Whereas there are other matters related to the field of communications, including television, which from time will require the framing of statements of policy, the conduct of negotiations, the making of regulations and the setting of guidelines as all of these relate to education within the Province of Alberta.

Therefore, it is directed on the authority of the Honourable Minister of Education that a body be established to be known as the Alberta Educational Communications Authority.

1. The Alberta Educational Communications Authority shall include 10 to 15 members, who will serve at the pleasure of the Minister of Education.
 - (a) Five of these shall be from the staff of the Department of Education
 - (b) One of these shall represent the Alberta Teachers' Association
 - (c) One of these shall represent the Alberta School Trustees Association
 - (d) One of these shall represent the Universities
 - (e) One of these shall represent the Educational Planning Commission
 - (f) Two of these shall represent the broadcasting industry in Alberta
 - (g) The remainder to be appointed at large
2. The chairman of the Alberta Educational Communications Authority shall be the Deputy Minister of Education who will be one of the five representatives from the Department of Education.
3. The Secretary of the Alberta Educational Communications Authority shall be the Director of Communications for the Department of Education who will be one of the five representatives from the Department of Education

Structures were now in place to create the "visible broadcast presence" alluded to in an earlier section of this chapter (page 78). The problem remained, however, how to put flesh on the skeletal framework which had been created?

In order to give form and shape to policy and planning for the future, the Minister of Education, the Honourable R. C. Clarke, set up the Commission on Educational Planning. It was officially established by Order in Council 1126/69 in June 1969.

The Commission on Educational Planning

The Commission on Educational Planning was headed by Dr. M. H. Worth (then the Vice-President, Planning and Development, at the University of Alberta). The Commission's mandate was broad, its terms

of reference numerous. The first was stated as being the following:

The Commission shall enquire into current social and economic trends within the province to determine the nature of Alberta society during the next two decades. (Worth, 1972:304)

Genesis of the Corporation

Dr. Worth described the genesis of the Commission as being within the political system:

. . . in the late 60s the Social Credit government began to run scared and needed to take initiative to show they were still in tune with the times. . . . The "Kitchen Cabinet" [Cabinet Planning and Priorities Committee], four or five advisors to Ernest Manning and Harry Strom . . . Bob Clarke, Minister of Education at the time, John Barr, executive assistant and part of the "kitchen cabinet." I had an opportunity to work with Tim Byrne [Deputy Minister of Education, at the time] on the statement Harry Strom [Premier] made in the legislature concerning the formation of the Commission, and to shape its terms of reference. . . . they asked me about heading up the Commission. I took a leave of absence from my position as Vice-President, coming to head up the Commission, which came into being July 1, 1969. (Interview, Worth, March 17, 1983)

But the political climate was changing in Alberta and before long there would be a provincial election which would change the course of Alberta history.

The extensive work of the Commission on Educational Planning and its task forces was still in progress when the government changed in 1971. The Commission's report, "A Choice of Futures," more commonly referred to as "The Worth Report" was presented to the Cabinet Committee on Education of the new government, June 16, 1972. How it was dealt with is discussed in the next section.

A New Government—A New Approach

Early in September, 1971, the Progressive Conservatives swept into power. Almost immediately it became evident that the old order was gone and would be replaced by an entirely new approach to administration. Very soon after the change in government, the Department of Education was split into two parts. The Honourable Lou Hyndman had already been designated as Minister of Education.¹ The Honourable James Foster became the first Minister of the newly created Department of Advanced Education.

CKUA: The Ever Present Problem

In Morton's words, "The ever present problem in Alberta was CKUA and what do you do with CKUA" (Interview, Morton, March 18, 1983). The new government inherited this "ever present problem" and, since CKUA's licence was up for renewal March 31, 1972, it was faced with having to deal with this problem almost immediately.

In a letter to Mr. Larry Shorter, then the Director of the Educational Communications Branch (dated October 13, 1971), The Honourable L. D. Hyndman, Minister of Education, writes:

Further to our previous discussions and your memo to me on this matter, I expect that the Cabinet will today decide to have Mr. Getty, the Minister of Federal and Intergovernmental Affairs

¹The Department of Advanced Education was established by an Order in Council, September 10, 1971 (although the legislation was not passed until the following year). Dr. Earle Hawkesworth, formerly the Assistant Deputy Minister of Education under the Social Credit government was made Deputy Minister of Education. Dr. Walter Worth was invited to serve as Deputy Minister of Advanced Education, following a brief period in which Dr. R. Rees served in this post.

ask the federal government for a one or two year extension of the March 31, 1972, broadcasting license deadline of CKUA.

As a government we hope to obtain some extra time to fully consider the present status and future potentiality of CKUA. We will not be able to do this in a definitive way before March 31, 1972.

Before deciding on the manner in which the federal government should be approached to enter into arrangements to continue the life of CKUA, the Cabinet will have to be convinced that CKUA is worth continuing as a broadcasting entity.

If it is decided that CKUA will continue I expect that the government may well put up a tough battle and take a hard line with the federal government, much the same as Quebec has done in respect of its attempts to set up broadcast facilities.

I would appreciate any and all comments you might have on the above.

A few weeks later, Secretary of State Gérard Pelletier visited Edmonton (November 19, 1971) in order to discuss a variety of subjects, among them the problem of CKUA. A few days later, key Ministers of the newly elected government indicated they would be prepared to fight to save CKUA.

November 23, 1971, the Honourable Lou Hyndman, Minister of Education, submitted a "Request for a Cabinet Decision," marked "high priority." The decision he requested was "as to whether the government endorses the continued existence of CKUA after March 31, 1972." A formal Ministerial Recommendation endorsing CKUA's continued existence, was issued almost immediately.

An illustration of the government's position and "determination to keep CKUA in operation" is provided by excerpts from a letter written November 30, 1971 by the new Minister of Intergovernmental Affairs, The Honourable Donald R. Getty to the Premier, The Honourable Peter Lougheed. In the letter Getty describes his

perception of the outcome of the November 19 meeting with Pelletier:

The extension of the license for CKUA now appears to be only a formality. While Ottawa first appeared to be fairly rigid on this matter . . . Their confrontation with Quebec has caused them to soften appreciably. The Federal Cabinet will be announcing shortly a much broader definition for educational broadcasting and I think CKUA will have no trouble in fitting this definition. We will now apply directly to the CRTC for an extension of CKUA's licence and confirming that we are preparing to work out an arrangement for a permanent renewal of their licence. I advised Mr. Pelletier that we were determined to keep CKUA in operation and that we were also determined to have no lesser rights in the area of communication in our Province than those established by any other Province in Canada. I mentioned that we were aware of the Quebec situation and keeping in contact with them about it.

I think we should give serious consideration to establishing an agency (independent??) to which CKUA would report. . . .

Getty's reasons for suggesting the establishment of such an "independent" agency following his discussion with the Secretary of State were no doubt due to the federal government's position articulated by Pelletier that in order to hold licences and operate broadcast undertakings, provincial governments were required to set up organizational structures which would be deemed "independent" by the federal government. The CRTC would not renew CKUA's broadcast licence if the University of Alberta continued to hold the licence (AGT, an agency of the provincial government, continued to own and operate it).

The problem became one of devising a corporation which would have a significant degree of independence from government to make it possible to hold a broadcast licence for CKUA.¹

¹In the meantime, the Secretary of State issued a direction to the CRTC (PC 1971-2857; SOR/71-677) dated December 23, 1971, which amended PC 1970-992 (SOR/70-241) dated June 4, 1970. It will be recalled that

The Genesis of the Alberta Educational Communications Authority

The Advisory Committee to the Minister of Education

It will be recalled from the discussion earlier in this chapter, that both an Advisory Committee to the Minister and the Commission on Educational Planning had been set up in the Social Credit years to study future educational needs in the province. Both continued to function after the change in government.

Earlier in this chapter mention was made of two documents issued by the Social Credit Government: First, the Order in Council (OC 217/70, February 9, 1970 pursuant to Section 6 of the Department of Education Act 1970) which designated the Minister of Education as the provincial authority. The Order in Council authorized the Minister to enter into agreements with the federal authorities and "educational television authorities"¹ in Alberta for the purpose of making available to them facilities for broadcasting educational programs."

the latter was a direction to the Commission that licences could not be issued to a provincial government, its agent, or an educational institution. The new direction to the Commission permitted renewal of licences for university stations to March 31, 1972 which was made public in a CRTC decision February 4, 1971. The new direction granted licence renewals not only to CKUA, but to the other stations which did not comply with the direction (discussed in a previous section of this chapter, pages 72-73). Eighteen months later, a subsequent CRTC announcement (February 28, 1972) renewed the licences of these stations for the period of April 1, 1972 to March 31, 1974.

¹It is important to note here that these "educational television authorities," at the time, referred to MEETA and CARET. The Alberta Educational Communications Authority, the object of this case study, was not as yet fully functioning.

The second document was the Ministerial Order (August 1, 1970) which established the first "Alberta Educational Communications Authority,"¹ which at that time consisted the Minister of Education and an Advisory Board to the Minister (described in the preceding section).

These two documents are illustrative of the Social Credit Government's plans to establish an "Authority" advised by a representative Committee, which would deal with the federal government in making facilities available for educational broadcasting in Alberta.

Hans Kratz (Director of the AECA) explained what happened when the new government took over (Interview, April 25, 1983).

The PC's inherited it . . . it was the So-Creds that wanted an Authority . . . and the whole idea of a Committee came in with the So-Creds. . . . This Committee was already in existence with the So-Creds. The only thing that happened was that there were some changes especially ministerial and deputy ministers . . . and so some directions changed.

Shortly after taking power, the new government issued a Ministerial Order (undated) which established the Alberta Educational Communications Authority. It combined the two documents (cited above) and stated the following: "O/C 217-70, plus Ministerial Order dated August 1/70, pursuant to Section 6 of the Department of Education Act, 1970." Further the Ministerial Order (undated) reaffirmed the Minister as being the actual "Authority" with an Advisory Board:

¹ Hans Kratz, Director, AECA, described the function of the Advisory Board (Interview, April 29, 1983): "That Advisory Committee's main function was, what are we going to do with this MEETA thing, this CARET thing, CKUA thing, the Athabasca thing . . ." Kratz confirmed the fact that this Committee had evolved from the advisory committee to the APPT (discussed in an earlier section of this chapter).

To advise the Minister of Education on the regulation, coordination and development of educational broadcasting within the Province of Alberta. To assist the Minister in federal and inter-provincial negotiations concerning educational broadcasting.

The committee's mandate was specified as not one of making decisions but one of making "recommendations to the Minister who is the actual authority."

The Ministerial Order (undated) went on to specify that the committee was to comprise the following members.¹

Hon. Lou Hyndman, Minister of Education
 Dr. E. K. Hawkesworth, Deputy Minister
 L. Shorter, Director of Communications, Department of Education
 R. A. Morton, Assoc. Director of Curriculum, Department of Education
 C. D. Ledgerwood, Regional Office Coordinator, Dept. of Education, Athabasca
 F. Jorgenson, President, SAIT, Calgary
 R. S. Wolsey, Principal, ATA, Morin
 W. J. Bagnall, Reeve, ASTA, Dogpound
 Dr. W. Beckel, Vice Pres., U of Lethbridge
 Dr. W. Worth, Deputy Minister of Advanced Education
 G. Kidd, Program Director, CFRN, Edmonton
 B. Cairns, Broadcast Consultant, Calgary
 Mrs. C. Bateman, Housewife, Red Cross, Calg.
 Mrs. P. Jones, Home Economist, U of A.
 Mr. A. C. Gibbard, Staff Engineer - Planning, AGT

The Honourable Lou Hyndman explained the genesis of this committee (Interview, April 14, 1983).

We had a kaleidoscope of assorted audiovisual educational entities around the province at that time, Edmonton and Calgary, a number of other very imaginative, at various stages (like MEETA) which all developed and had taken initiatives . . . The question of where they fitted in and how to maintain the desirable diversity of the situation, while at the same time

¹It will be recalled that the previously mentioned Ministerial Order (August 1, 1970) had designated the Chairman as being the Deputy Minister of Education and the Secretary as being the Director of Communications, Alberta Education. Thus Dr. E. K. Hawkesworth and Larry Shorter, respectively, came to occupy these positions.

giving continuity of service and giving them the benefit of something province wide. . . . That was the genesis of this committee. Let's get everybody who has been involved, knowledgeable about the existing entities . . . we don't want them all lined up against the concept. Let's see if we can get them supporting it. Let's get them feeling it is a vehicle that can be helpful in fulfilling their aspirations. That's why we put on the people [see list] . . . and others . . . we wanted some thoughtful amateurs . . . The Cabinet had said to the two of us (Jim Foster and myself) will you proceed. . . .

An Order in Council set up the committee and then the Ministerial Order of Jim's [Foster] and mine set up the actual names after consultation with Cabinet to try to bring together all those who either had or might have an interest in the thing. . . . It [the committee] was set up for the purpose of bringing them together. . . .

The Advisory Committee was only to function for about six months. It sponsored a study of educational communications and made recommendations to Cabinet which contained a proposal for a corporation which would co-ordinate and centralize provincial educational communications. The recommendations were very similar to those of the Commission on Educational Planning¹ contained in "A Choice of Future" (more commonly known as the "Worth Report") which was

¹The recommendations of both committees were very similar. One can speculate that this is due to the fact that some of the same people either served on both or were involved in both committees. The most obvious illustration of this is that both Shorter and Morton served on the AECA Advisory Committee (see list of members comprising the Committee). In the discussion of the Worth Commission to follow it will become evident that Shorter had an important role to play in that Commission and the implementation of its report. In Shorter's own words: "There was a cross fertilization in the various committees" (Interview, Shorter, April 12, 1983).

Morton recalled how he and Shorter went through an intensive brainstorming session prior to the recommendations of the two committees: "When we were faced with the new government, Larry Shorter and I spent an entire day at a motel near the airport. Out of that came the outline which is not quite Access, but almost. . . ." (Interview, Morton, March 18, 1983).

published about the same time that the AECA Advisory Committee presented its recommendations to Cabinet (June, 1972). Among its major recommendations was the establishment of a province-wide delivery system for educational broadcasting services—the concept of "ACCESS."

The Commission on Educational Planning: Revisited

The Commission on Educational Planning had been established during the last year of the Social Credit government's administration. One of the characteristics of that government's approach was their emphasis on decentralization and regional and local needs. The Alberta Pilot Projects for Television in Education were illustrative of this approach whereby various regional projects explored the use of television in various forms and in different contexts which were adapted to the needs of each region.

Morton described the more centralized stance of the new government (Interview, March 18, 1983):

When the new government came in the attitude was: "let's take a more global approach. Why should we put half our money in CARET and half in MEETA?" When the government changed the Worth Commission was still in place. Out of that came the idea of setting up a Commission somewhat similar to Ontario's. The Conservative government in Ontario had already gone that way. (I had kept track through my interprovincial contacts, of what was happening in Ontario.)

The Commission remained hard at work during the transitional period and beyond, surviving the change in governments. Dr. Worth shared his perceptions of how it was that the Commission and its subsequent report managed to survive:

The report came out one year after the So-Creds were out of power. . . . The new government had to make a decision as to

what to do with this. They were persuaded it was apolitical, or at least not so closely identified with the So-Creds that it couldn't stand on its own. . . . due to some back room lobbying Michael O'Byrne, a close friend of Lougheed's . . . and on the Commission . . .

.
Mike's observations about the Commission and about what it was doing were very influential in persuading Lougheed . . . that people on the Commission were not affiliated politically.
(Interview, March 17, 1983)

Shorter served as special consultant to the Worth Commission. He had been seconded from the Department of Education by Dr. Worth to act as chief consultant to Dr. Worth on "all matters concerning educational technology" (Interview, Shorter, April 12, 1983). Dr. Worth, himself, gave Shorter the credit for eventual drafting and writing of most of the material pertaining to this topic in the "Worth Report" (Interview, Worth, March 17, 1983).

Shorter, it will be recalled from the earlier discussion, had been functioning as Co-ordinator for the Alberta Pilot Projects for Television in Education (from 1966 to 1969). At the time of his appointment to the Worth Commission he was on leave from the Department of Education. Dr. Worth saw Shorter as being a "key actor" both in the Commission and subsequently in the implementation of its recommendations:

Larry Shorter really was the key actor—he had input into the Worth Report in three ways. Firstly, he served as a consultant to the Commission and was largely responsible for generating the ideas of the ACCESS network. Those were then discussed by our Commission Board and eventually we decided to incorporate them into our Report. The genesis of those ideas came from Larry. Once the Report was done, the second reason he was important . . . after I moved to the Department of Advanced Education as Deputy Minister, we hired Larry and brought him over from Alberta Education in 1972. We made him Director of Communications. He was then in a position to provide leadership within the department and advice as to how we might go about implementing the concept of ACCESS. . . . He was the prime architect.

The third reason he became important was that he was the founding president. That was a Cabinet appointment made on the joint recommendation of Hyndman and Foster. That recommendation was engineered primarily by me with the support of Earle Hawkesworth, who was then the Deputy Minister of Education, because both of us felt he had a concept of what ACCESS should become or would become and felt he was the right man for the job. He had an opportunity that paralleled the opportunity I had—to do the Report and then come into government and be instrumental in its implementation. . . . Larry had an opportunity to move into a key position that enabled him to influence the development of the ACCESS network. (Interview, Worth, March 17, 1983)

Dr. Reno Bosetti's perception corroborated Worth's: "The Worth Report is where the germs of ACCESS were sown . . . springing from the loins of Wally Worth and Larry Shorter" (Interview, Bosetti, March 16, 1983).

Shorter provided some additional background information and some insights into the reasons for the survival of the ACCESS concept:

I sold the idea of an ACCESS to Bob Clarke. It was approved in principle and I was named "President Pro Tem" of an organization to be established to do continuing childhood educational service and the So-Creds included that as an election plank in their 1971 election program. They talked about "ACCESS services" . . . We had the whole plan put together for an ACCESS. . . . Then the So-Creds lost the election. When the new government came in we proceeded to show them all the plans we had. . . . They said why don't we turn it over to the Worth Commission to study it as a feasibility item, so the whole plan was turned over to the Worth Commission for study. (Interview, Shorter, April 12, 1983)

Thus it was that one of the major recommendations of the Worth Report, the concept of ACCESS, was envisaged as a semi-independent network which would deliver education to every community in the province, as part of an "Alberta Academy."¹

¹The concept of the Alberta Academy was another major recommendation of the Worth Report. It was an attempt to offer a solution to the problem of entrance requirements for higher education. The Alberta Academy proposal was eventually rejected.

The marketing of the Report was in Worth's opinion another reason the Report survived. The Worth Report took on a "high profile" receiving a great deal of publicity in a sophisticated advertising campaign described by Worth:

Two people were influential in advising me as to how to proceed. One was Larry Shorter (the other was Jim Vincent). . . . He and Larry got the idea that they had to do something different with the marketing. We got Tony Anselmo (of Safeways) interested in doing this as a public service, built into Safeway advertising. . . . It sounded so intriguing I couldn't resist. . . . Then Larry had the idea of a "Readers Companion," or a "household drop." . . . A third key idea was a telecast with Tommy Banks . . . on CTV . . . a 25 minute videotape. . . . The fourth key thing was a "media blitz" . . . news conferences all over the province . . . Dave Wood (public affairs) had been given the word that this was to get good treatment . . . Those were exciting times. . . . We flew in the Premier's plane to press conferences all over the province . . . in all cities on the same day . . . The purpose of this marketing was firstly public awareness, . . . to acquaint people, and secondly so as to ensure that the Government couldn't ignore it. Once public awareness is that high it is hard for politicians to ignore it. . . . After the Report came out in '72, Advanced Education had been created and Jim Foster asked me to join him as Deputy Minister, the summer of '72. (Interview, Worth, March 17, 1983)

Following the publication of the Worth Report, and its presentation to Cabinet, June 16, 1972, the Edmonton Journal wrote:

The Worth Report could dominate educational planning in the province throughout the remainder of the century. . . .

Dr. Worth, former vice-president of planning and development at the University of Alberta, said he is confident the new Conservative government will adopt the report more readily than the former Social Credit administration might have.

A week later, The Honourable Lou Hyndman issued a public statement. It was reported in the Edmonton Journal (June 21, 1972):

"The provincial government does not plan to act on recommendations in the Worth Report on education until next spring," Minister Lou Hyndman said. . . .

"MLA's will have to talk about it generally during the fall session before we draft new legislation and public reaction has been slow on some of its major propositions."

Following the publication of the Worth Report, a Cabinet Committee on Education was formed. This Committee consisted of the two Ministers of Education, The Honourable Lou Hyndman and The Honourable James Foster, as well as The Honourable Bert Hohol.¹ Larry Shorter was appointed as Executive Secretary to the Committee. The Committee's mandate was to solicit reactions to the Worth Report from the general public as well as from various organizations and interest groups throughout the province. Submissions were requested to be in before the deadline date of October 15, 1972. Public pressure, however, was exerted, calling for more time to respond. Some of this pressure came from the Social Credit Opposition Leader, Harry Strom (Edmonton Journal, September 11, 1972). In addition, Bob Clarke (former Social Credit Minister of Education responsible for Dr. Worth's appointment as Commissioner of the CEP) criticized the Conservative government for their "serious blunder" in "appointing Dr. Walter Worth Deputy Minister of Advanced Education while still awaiting reaction to his Worth Report." Clarke felt this would keep "some persons from responding frankly to the study" (Edmonton Journal, November 21, 1972).

The government relaxed its deadline and extended the date to May, 1973. The Cabinet Committee on Education continued to consider public reaction.

September 5, 1972, the Edmonton Journal wrote:

Education Minister Lou Hyndman said today the cabinet committee on education is considering spring 1973 legislation based on recommendations in the Worth Report.

¹At that time the Department of Manpower and Labor was still a separate department (not as yet a part of Advanced Education). The Minister responsible for this portfolio was The Honourable Bert Hohol.

Mr. Hyndman, committee chairman, also said that although the government wants to have "a pretty good idea" of public thinking by October 15, official deadline date for reaction submissions, it will still welcome public response after that date.

At this point, it is important to recall that the federal government had made it possible for provincial "independent"¹ authorities to be licensed for purposes of broadcasting educational programs.

To satisfy the federal government's direction for licensing educational broadcasting organizations, it would be necessary to have a corporation separated from the provincial government in some way. That was the signal for the provincial government to begin to move.

Almost immediately, the Alberta government responded. An "Alberta Communications Policy" was issued by Alberta Government Telephones, dated July 1972:

The Government of Alberta plans to develop a province wide ETV broadcasting network, provided by the provincial telecommunications corridor, in the social and cultural interests of Albertans. . . .

.

The present fragmentation of television production facilities whereby major studios are located at the University of Alberta, the University of Calgary, SAIT and NAIT represents an inefficient allocation of capital and human resources. The Government of Alberta plans to encourage the consolidation of educational television production facilities throughout Alberta and to operate major studios accessible to all educational authorities and institutions.

¹See the discussion toward the end of Chapter 4 regarding softening of the federal government's position toward the licensing of provincial authorities, with the issuance of the July, 1972 "Direction" to the CRTC. The legislation enacted by Order in Council PC 1972-1569 allows corporations deemed "independent" of governments to be licensed.

A New Government—And New Structures

The new government reacted promptly, moving swiftly to establish the new structures which the federal government had requested.

Worth (1977:17) proposed the following rationale:

Potential for change is frequently the greatest at the beginning of a term when interests and powers are being realigned, the nature of the mandate is undergoing refinement and articulation, and there are expectations for change. . . .

the Progressive Conservative government in Alberta on the Report of the Commission on Educational Planning leading to the establishment of ACCESS, the abolition of the Universities Commission and the Colleges Commission, and the extension of opportunities in further education attest to this.

In an interview (March 17, 1983) Worth elaborated on this theme.

He believed that there were three reasons why the new government moved "like lightning":

Firstly, new governments are anxious to do something . . . the longer a government is in office the longer it takes to do something, once they are aware of all the ramifications. Secondly, we had a young and inexperienced Minister [of Advanced Education] impatient and anxious to show he was capable of getting things done. Thirdly, myself and Larry Shorter were in key positions to keep pushing . . . and often, what it takes in organizations is people to keep pushing.

Dr. Hawkesworth had served as Assistant Deputy Minister of Alberta Education (appointed in the spring of 1971, while the Social Credit government was still in power). Following the change in government in September, 1971, Hawkesworth became Acting Deputy Minister until the subsequent division of the department (into Alberta Education and Advanced Education). When that occurred, he was officially appointed Deputy Minister of Alberta Education. Dr. Hawkesworth provided an additional perspective for explaining the "pressures at work" in the establishment of new structures:

1. The Social Credit Government had already been considering the implementation of an early childhood program via media.
2. The "Ontario experiment" was considered to be very much part of the scene by the new Conservative Government coming into power in Alberta at that time.
3. The added impetus of accelerating costs of education generally. Attempts were being made to find ways of providing educational programs particularly to remote areas of Alberta that were cost effective. (Interview, Hawkesworth, March 24, 1983)

Planning the New Corporation

The recommendations of the AECA Advisory Committee, as was pointed out in the earlier discussion in this chapter, had proposed the establishment of an Educational Communications Corporation. The Committee was dissolved by Cabinet in October 1972, and replaced by a Cabinet appointment, which designated R. A. Morton¹ as "Planning Director" of the AECA Planning Office for the new Corporation. Shortly after his appointment, Morton reported on the circumstances which led to his appointment to a Departmental radio-television sub-committee meeting (October 13, 1972):

We have gone through a variety of cycles. We have gone from a decentralizing position to a more centralized position; and now we are in a decentralized position. . . .

.

The last year or so I have been the acting executive secretary [of the Alberta Educational Communications Authority]. We have been faced with MEETA, which the contract ends the end of next June, the CARET organization in Calgary has had some rough times in the last little while and the government is also faced with

¹Morton (see page 74) was serving as Associate Director of Curriculum for the Department of Education at the time of the Cabinet appointment. In describing his new responsibilities, Morton explained that as Planning Director of the AECA these duties would extend beyond the Curriculum Branch to what is called "The Alberta Educational Communications Authority."

what to do with CKUA because the federal authorities are saying that CKUA must come under the general umbrella of regulations that every other broadcasting undertaking in the country does. That of course comes along with the Worth Commission. . . . so it was felt that we have to move faster . . . into a somewhat more secure position as far as some of these organizations are concerned. So the advisory committee as a result of some of the studies that some of us were engaged in last spring and which were presented to the advisory group last June and which were studied over the summer and other proposals had recommended . . . a corporation which would take CKUA under its wings . . . MEETA and CARET . . . essentially to produce stuff and to distribute stuff serving the needs of the Department of Education, the Department of Advanced Education, and other branches of the government that have educational functions. This is now before the government and it looks as if all or part of that will come into being probably next summer. (Minutes of Radio-Television Sub-Committee, Curriculum Division, Department of Education, October 13, 1972)

Without delay, Morton set to work, and soon afterward produced a working document. November 1, 1972, he issued "Planning Procedures—AEC Corporation, November 1, 1972-March 31, 1973" (Alberta Educational Communications Authority Planning Office). It was in this document that the new Authority's role was first envisaged in relation to the proposed corporation, yet to be established:

5. The continuation of the Alberta Educational Communications Authority (two Ministers of Education plus advisers and executive secretary) to perform the following functions:
 - 5.1 Act as agency through which the two Departments of Education make program demands upon the corporation.
 - 5.2 Act as the Broadcast Authority within the terms of any federal directive—present or future, assessing the programs of the Corporation for their educational effectiveness.
 - 5.3 Administration of program funding (direct costs) related to 5.1.

It is worth noting here that Morton was now placed in a position of being able to continue his role as architect, developing new

administrative structures in areas that were as yet uncharted. Alan Robertson¹ believed Morton's influence to be far-reaching:

Morton's influence across the country was a lot stronger than people know; because of his ability of moving around with the sub-committees of the CMEC;² because of his contacts with other provincial educational authorities (informally) and because of his elder statesman role in his associations . . . in which he was deeply involved. He had foresight no one else had. People in the main were working in their own interests from a fairly narrow point of view. . . .

.
Dick knew a lot about the history of broadcasting . . . and its application for educational broadcasting. Dick was instrumental

¹Alan Robertson, now Dean of Fine Arts, University of Calgary, was a pioneer in television education in Southern Alberta in its early days (while serving with the Calgary Public School Board). He then became the Director of the Southern Alberta Educational Television Association in June, 1967 when this organization was incorporated. SAEVTA was a co-operative enterprise in which the two local school boards (public and separate), Mount Royal Junior College, the University of Calgary, the Southern Alberta Institute of Technology, and two rural school divisions participated with the provincial Department of Education. The Department supplied approximately 50 percent of their budget, and the other agencies contributed on a formula based on their student enrollment. CARET had its roots in this organization. In October, 1967 SAEVTA became CARET and Robertson continued to serve as the Executive Director.

²As Alberta Education's representative, Morton had been involved with Canadian School Broadcasts for many years, operating in the earlier years under the aegis of the CBC, then as a committee of the CMEC (after its formation in 1967). Morton's expertise was recognized by the CMEC. He received the appointment of "liaison officer" for the Council of Ministers of Education, serving on a special committee ("The Parkhill Committee"). This committee was created by a federal Cabinet decision (October 21, 1967) which directed the Department of Communication to undertake in cooperation with other departments and agencies, the preparation of a research program to provide information to provincial educational authorities. The Committee's work culminated in the Parkhill Committee Report, November 22, 1971, and Morton received special commendation from the Deputy Minister, Communications Canada (Letter from The Honourable Robert Stanbury to Mr. Maurice Richer, Secretary General, CMEC, August 24, 1972). Morton went on to chair the Instructional Media Committee, a sub-committee of the CMEC. Canadian School Broadcasts became a joint responsibility of the CMEC and the CBC in 1971 when the Council of Ministers of Education, Canada entered into a formal agreement for a cooperative venture. (For further explication of the Park Hill Committee, see footnote page 53.)

bringing to the attention of the rest of the country, the experiences that Alberta had, that were so different from Ontario, or B.C., etc. . . . He saw that what educators needed was educational broadcasting which had to have as many different modes of transmission (delivery) as possible, so he was citing the Alberta model . . . with its variety . . . In the early years the reason for Alberta Pilot Projects were so useful is that they demonstrated all the different needs that existed . . . of each of the constituent bodies. . . . It was an innovative use of technology and Dick's foresight in pointing out the different experiences in each project . . . all the projects using television differently. (Interview, Robertson, April 2, 1983)

"This province was fortunate in having the competence of a man like Dick Morton" reiterated Dr. Earle Hawkesworth (Interview, March 24, 1983). "He was recognized way beyond the province . . . nationally . . . He was one of the consultants . . . who provided advice to the Council of Ministers on media (R. Ide, OECA, was the other) . . . definition of educational broadcasting . . ." (Interview, Hawkesworth, March 24, 1983).

Morton was now in a position, once again, where he could directly influence and shape the course of educational broadcasting history. But with characteristic modesty, he described the role he envisaged for himself in the new structure to be set up:

In addition to myself as Planning Director I require a first class secretary-cum-research assistant . . . while it may be possible to formulate much of the planning internally, . . . I would prefer a pattern involving formal and informal consultation on three issues:

- people from government or government agencies
- people from various interest groups outside the government
- carefully selected consultants with special expert background.

(Planning Procedures—AEC Corporation, Alberta Educational Communications Authority Planning Office, November 1, 1972-March 31, 1973)

Morton's model, as always, was consultative. Each planning group was to act in an advisory capacity. Information and advice would be sought from a wide variety of sources both externally (at the federal

level and the inter-provincial level) and internally (consulting with other government departments and agencies).

December 1, 1972 the Alberta government announced that legislation would be introduced to set up an "Alberta Educational Communications Corporation (AECC). The Press Release (December 1, 1972) issued by The Honourable Lou Hyndman and The Honourable James Foster, reported in the Edmonton Journal (December 1, 1972) announced the government's intention to introduce a bill to establish the "AECC" in the spring session of the Legislature. The newspaper article entitled "Crown Corporation Announced for Educational Communications" reported Hyndman and Foster's proclamation that the corporation is aimed at "partial centralization—not total centralization."

Initially the Corporation would serve as an umbrella covering the educational television operations at CARET in Calgary and MEETA in Edmonton, plus the radio facilities of CKUA in Edmonton presently owned by Alberta Government Telephones. . . . We want to co-ordinate them as a team. At the same time, growth must be controlled so that we can avoid the expensive duplication of services and production facilities. (Edmonton Journal, December 1, 1972)

The above mentioned article went on to report the government's stance regarding the "very effective informal educational style" developed by CKUA and "its minority audience appeal. That's what adult education is all about."

Under the new structure, CKUA would relinquish its licence to the Corporation,¹ thereby solving the long standing problem of what to do

¹The solution was finally found to the problem which had plagued both CKUA and the Alberta government since 1946. The Alberta government would be able to obtain a broadcast licence if it set up a corporation that was deemed sufficiently independent from government.

with CKUA (still in jeopardy of losing its licence, although its March 31 deadline had been extended to June 30, 1973).

The new structure would also ensure the continuance of MEETA and CARET programming, both of which were experiencing difficulties. The MEETA three-year experience (the sharing of Channel 11 with the CBC French station) was due to run out the end of June, 1973. CARET's funding was running out due to the withdrawal of Calgary's two school boards (public and separate).¹

Initially, during the planning phase, the new Corporation would serve as a means of bringing together these three major educational media organizations under one administrative structure in order that they might continue to operate.²

¹Funding agencies for MEETA and CARET (which included school boards, universities, and the provincial government) were committed only until June 30, 1973, when the agreements were to expire. At that time the new corporation would take over full financial support and would transfer funds previously designated to CARET and MEETA to the corporation. MEETA would be moved from Channel 11 to Channel 9, cable.

²In preparation for the press release, Morton (still Associate Director of Curriculum at the time) recommended the following:

"The announcement should be carefully worded with the following considerations in mind: -this is a recommendation of the advisory committee to the Minister to set up a corporation to do a limited number of things and should not be construed at this stage at least, as the first stages of implementing the recommendations of the Worth report.

-the release should be worded in such a way that the staff in both MEETA and CARET can be publicly re-assured about the future of the production aspect at least of these centres.

-the release should also re-assure the Boards of MEETA and CARET by saying that the government will begin talks with ... etc.

-the release should keep in mind the CRTC hearings in Edmonton, October 3." (Letter from R. A. Morton, Associate Director of Curriculum to Dr. E. K. Hawkesworth, Deputy Minister, September 5, 1972)

The Calgary Herald (December 1, 1972) provided some additional information: "During phase one, the planning phase, CARET, MEETA and CKUA would function as semi-independent divisions of the corporation."

The Honourable Lou Hyndman articulated the rationale for establishing the new Corporation, and the circumstances which led to the proposal, as being the following:

- (1) A federal direction to the CRTC issued in July 1972 makes it possible for an independent provincial corporation to hold a broadcast license. This has particular application to CKUA, but is relevant also for any future educational television stations which might be established in Alberta.
- (2) The withdrawal of the Calgary Public School Board and the Calgary Separate School Board from the Calgary and Region Educational Television Association in the spring of 1972 led to a re-examination of the present organizational structures as well as the present means through which the provincial government supports educational communications.
- (3) The Alberta Educational Communications Authority Advisory Committee instituted a study during the early months of 1972 which examined many facets of educational communications in Alberta, in Canada and in many other countries. Arising out of this study, a recommendation was made to the Minister of Education that the government establish an educational communications corporation similar to the one which is presently being planned.
- (4) The report of the Commission on Educational Planning makes many significant recommendations concerning educational communications. During the time that these recommendations are being carefully evaluated, the proposed corporate structure will not only enable present activities to continue, but also will provide a framework within which recommendations might be implemented in the future. (Letter to Mrs. Lois Campbell, Chairman of the Board, MEETA, December 29, 1972¹)

¹A similar letter was sent to Dr. F. Terentiuk, President of the Board, Calgary and Region Educational Television (CARET), February 9, 1973.

The press release (December 1, 1972) had made public R. A. Morton's appointment as Planning Director for the new Corporation. An Edmonton Journal article entitled "Finding the Middle Ground" (December 16, 1972) quoted Morton regarding the Corporation to be set up:

[It] would likely be similar to corporations already operating in Ontario and Quebec with perhaps one significant difference. Those two are so independent that there is concern that they may be becoming rivals to the provincial department of education rather than helping to achieve the province's educational objectives. On the other hand, Ottawa insists on a measure of independence from direct provincial control as a condition for granting broadcasting licenses. Alberta would like to find some middle ground which may not be easy.

These words proved to be prophetic! In the meantime, in preparation for the new Corporation, a number of actions had to be taken to ensure a smooth transition.

Summary

The policies for educational broadcasting in Edmonton were laid down by the Social Credit government. Educational broadcasting was begun in 1927 with the licensing of radio station CKUA to the University of Alberta. After the advent of television in 1966, a number of experimental projects were instituted (the Alberta Pilot Projects for Television in Education). These regional projects explored the use of television in various forms and in different educational contexts adapted to each region. Two educational television stations, MEETA in Edmonton and CARET in Calgary, continued after the Pilot Projects were terminated in 1969.

While the Pilot Projects were fully functioning, an "Advisory Committee" to the Minister of Education was appointed in order to

consider the progress of the Pilot Projects in relation to the future of educational television in the province.

In 1970, this advisory committee became the "Alberta Educational Communications Authority," authorized to deal with the federal government in making facilities available for educational broadcasting in Alberta. After the change in government in 1971 and the Progressive Conservatives rise to power, this committee continued to function as the provincial "Authority." The following year, both this committee (the Authority) and the Commission on Educational Planning which had also been created by the Social Credit government (in 1969), recommended the establishment of a province-wide delivery system for educational broadcasting services. Thus, the policies set down by the Social Credit government were continued, but with a change in focus to a more centralized approach.

The stage had been set for the establishment of a provincial educational communications network by the highly publicized and widely distributed "Worth Report" (The Report of the Commission on Educational Planning). Whereas the previous government's philosophy had been one of supporting educational broadcasting chiefly through decentralized regional organizations, the new government's policy was one of greater centralization of educational services in a province-wide network. Press releases were issued across the province, concerning the government's intention to enact legislation "based on the Worth Report." A Bill to establish the Alberta Educational Communications Corporation would be introduced in the Spring (1973) session of the Legislature. It is important to note, however,

that the Alberta solution was devised, not only in a changed political climate at the provincial level, but in response to new federal legislation (OC PC 1972-1569) which authorized the licensing of provincial educational authorities deemed "independent" of provincial government control.

Chapter 6

"PICKING UP THE PIECES"

The new government set to work to establish a statutory corporation. Careful consideration was given to devising a structure for the provincial corporation that would be deemed acceptable to the federal authorities. The structure was required to be "independent" from provincial government control. The provincial government, however, required the jurisdiction to create a centralized operation. The dilemma was one of setting up a corporation sufficiently "independent"¹ to satisfy the CRTC that such a corporation would be eligible for a broadcast licence, yet under the aegis of the provincial government.

The new Corporation was to be a provincial corporation, established by an act of the provincial legislature and funded entirely by the government of the Province of Alberta. The Corporation would report to the Legislature through a Minister of the Crown:

The corporation should have been established in 1971, its logical starting point to provide continuity from the pilot project phase. And it would have been established in 1971, had not the government of twenty-eight years fallen that August. Encouraged by the 1972 Worth Royal Commission Report on Educational Planning, the new government picked up the pieces and enacted the necessary legislation. (Shorter, 1978:69)

¹"The formula adopted in 1972 provided for an interdelegation of administrative power whereby provincial educational authorities were authorized to run broadcasting stations as long as these authorities operated independently of provincial government control and accepted the regulatory supervision of the CRTC" (Woodrow, Woodside, Wiseman and Black, 1980:31).

The political climate had changed. The previous government's policy had been one of supporting educational broadcasting chiefly through decentralized, regional organizations (the pilot projects).

Morton expressed its philosophy as having been the following:

Before we develop a pattern for the province, let's look at various modes [delivery] in real terms . . . so we were satisfying the zealots when it was politically acceptable. (Interview, Morton, March 18, 1983)

The new government's policy was one of greater centralization of existing educational communication services¹ within the province. The ultimate plan was the establishment of a provincial network. The stage had already been set for the establishment of such a network by the recommendations of the Worth Report (discussed in the previous chapter).

The Problem of the Divided Jurisdiction of Educational Broadcasting: Revisited

The whole process began in the '60's . . . It is related to the federal provincial jurisdiction and interrelationships and the problems of policymaking under two rubrics, under two sets of perceptions which are quite different and which (as a matter of fact) have become more and more antagonistic as time went on. (Interview, Morton, March 18, 1983)

The new government took a strong position with regard to asserting its rights over control of the content of educational programming. This is perhaps best illustrated by The Honourable Lou Hyndman's statement:

¹Now that the organizational structures of MEETA and CARET were no longer secure, the new government's decision was to bring the staff and facilities of both organizations under the "umbrella" or "framework" of the new Corporation. This more centralized structure was envisaged as assembling, producing and distributing educational programs across the entire province.

Our general approach has always been that where there is broadcasting that is carried on within the province of Alberta—it is intraprovincial [and therefore under the control of the province of Alberta]. (Interview, Hyndman, April 14, 1983)

It will be recalled that Quebec and Ontario had taken the lead in the late 1960's¹ in establishing educational communications authorities. Alberta had followed suit, establishing its own Authority in 1970.

Morton described the sequence of events:

When the government changed, the Worth Commission was still in place. Out of that came the idea of setting up a Commission somewhat similar to Ontario's. The Conservative government in Ontario had already gone that way. I kept track through my inter-provincial contacts, with what was happening in Ontario. I went down there . . . I was talking in terms of an educational corporation that would complement and reinforce. They [Ontario] did not want to "reinforce the educational establishment." . . . [they had created] an educational system on top of an educational system—politicizing I felt. . . .

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The "arms length" thing in Ontario was handled by establishing a Corporation. Representative appointees of the Corporation are an advisory group to the OECA . . . representatives of the public . . . at the choice of the Corporation. In fact they had, in effect, set up a counter organization to the Department of Education. They would act as an advisory group to the OECA but bypass completely the official educational people. They might have educational people on the Board, but that is the choice of the Corporation rather than of the people themselves. (Interview, March 18, 1983)

Morton felt that notwithstanding the CRTC's stipulation that the Corporation had to be independent from government, he spoke for the Alberta government when he took the position that they did not wish

¹The tension between Quebec and the Federal Cabinet reached its height in May 1971 when the Quebec Minister of Communications, Jean-Paul L'Allier issued a policy statement which advanced his province's claims over the licensing of provincial broadcasting undertakings (which included educational broadcasting). This provided the major impetus for a change in federal policy, and Pelletier's oft quoted statement of November 5, 1969 (cited in Chapter 4).

to see two sources of education developing independently in the province. Morton pointed to the OECA as an example of a situation which had, in his view, been allowed too much control, in that the OECA was asserting too much independence from the Ontario Department of Education (Interview, Morton, March 18, 1983). The Alberta government's intent was to enact legislation based on the legislation enacted in Ontario¹ but with certain significant departures: whereas Ontario had interpreted the term "provincial authority" as being the independent corporation itself—the Ontario Educational Communications Authority²—Alberta created two entities, a "Corporation" and an "Authority."³

Chuck Williams had served under both the Ontario and Alberta systems, having left the OECA to become Vice President in charge of

¹It will be recalled from the discussion in Chapter 5 regarding the licensing of the Ontario Authority that the CRTC had granted a licence to the Ontario Educational Communications Authority to operate Channel 19 (UHF). The OECA was to be comprised of 13 members appointed by the Ontario Cabinet. The Authority would be established to supervise and assess the station's programming (CRTC Decision 70-2, January 30, 1970). The OECA Act was later passed in the Ontario Parliament, April 8, 1970. The broadcast licence was issued in the name of a federal agent, the CBC, as this took place January 30, 1970, prior to the 1972 federal "Direction." The requirement that the CBC act as a licence holder for the provincial authority was eventually phased out.

²The structure of the OECA is such that the Board of Directors is the body designated as being "independent" of provincial government control—that is, the Board itself is the provincial authority.

³The Alberta "Authority" came to be comprised of the two Ministers of Education. After the Act creating the Corporation was eventually passed, an Order-in-Council designated both the Minister of Education and the Minister of Advanced Education as the provincial "Authority." A similar situation exists in Quebec, whose "authority" comprises a joint committee of the Minister of Education and Communication.

programming for ACCESS in the early part of 1975. He commented on the Ontario system:

In Ontario, government interference was much more omnipresent and much more effective. . . . The Board and the Authority are the same group . . . the same people [the Authority] as the Board . . . once a year they meet as an Authority [thereby] meeting the requirements of the Act. (Interview, March 7, 1983)

The Honourable Lou Hyndman believed there were a number of factors which determined the Alberta structure:

In setting up the system following the OECA. Firstly, there was some hesitation on the part of the federal government. They did not want to have both of them together, to have the Corporation at the same time determining its own parameters to what it would be doing in the area of broadcasting. The federal government, although they did not want political interference, felt it would be useful to have the government that was funding this entity composed of some of the ministers who would be actually setting the broad parameters, keeping an eye on them. The other thing was, that our government felt the same way as well. We felt that (a) it was paid for by public funds, (b) it was going to be listened to by Albertans—it would be broadcast all over the province.

The provincial government didn't want to combine or leave the Corporation with just the mandate from the government of saying go and spend public money and do what you want, or define what you want with education . . .

.

It was in the beginning, starting, at where we thought, let's keep the residual decision-making authority or the mandate within the Department of Education in the Authority and see how it goes. . . . (Interview, Hyndman, April 14, 1983)

Dr. Worth's blueprint (in the Worth Report) for an educational communications network had not envisaged an "Authority" as a structural component. During an interview (March 17, 1983) he mused: "It may have been that if we hadn't gone for the Authority we may have ended up with nothing!"

Dr. Worth believed the structure of the Corporation and the

Authority were arrived at for two reasons:

1. The Authority structure, to provide some measure of control (mainly for Alberta Education) over the Corporation;
2. The Corporation structure, to deal with the persistent concerns out of Ottawa for an arms-length relationship.

Dr. Worth pointed out the importance of contextual factors which intervene:

When one is involved in "master planning" one cannot foresee all the various modes of implementation that are possible, and often because of the different factors within the environment which come into play, another structure may be used as a means of implementing the final outcome. (Interview, Worth, March 17, 1983)

In any event, "Lou Hyndman had a strong role to play in the creation of the Authority" said Dr. Worth. Also, "we were fortunate that the two Ministers, Hyndman and Foster, got along so well. It made it so much easier for the two deputies" (Interview, March 17, 1983).

Larry Shorter shared his perceptions of the factors which caused the Alberta government to set up the Authority as a separate entity:

In the initial days of the formation of ACCESS we had Hawkesworth and Worth, Hyndman and Foster. Hyndman, Foster and Worth all agreed that there should be a Crown Corporation. Hawkesworth disagreed. That was where he really instructed Dick Morton to go out and establish the Authority. The reason Hawkesworth disagreed, was the Ontario experience where [paraphrase, in Shorter's words] you set up a Crown Corporation . . . which thumbs its nose . . . That is why [Hawkesworth felt] we mustn't follow the model of the OECA (which is the OECA is both the Authority and the Corporation). That is where this new model was devised—to keep that kind of control. (Interview, Shorter, April 12, 1983)

Dr. Earle Hawkesworth believed the reason for setting up this "more complex structure" was the following:

I have no doubt that the CRTC itself was responsible for a lot of unnecessary bureaucratic structure that was involved

in the establishment of ACCESS. . . .

The question of giving direction was a very sensitive question with the CRTC. The insistence of the CRTC that it be an "independent" unit. How could it be independent if it was to be involved in education, which is a provincial responsibility? (Interview, Hawkesworth, March 24, 1983)

The dilemma inherent in the federal government's direction (OC PC 1972-1569) is one that has never been satisfactorily resolved. The dilemma sprang from the variety of possible interpretations to which the definition of educational programming embedded in the federal "Direction" is subject.

Morton prepared an "Analysis of Latest Federal Position Dated 13 July, 1972." In it he addressed the "paradoxical implications in the Direction":

. . . I detect paradoxical implications in the Direction. On the one hand there is an independent Corporation not "directly controlled by Her Majesty in right of a province", on the other all the programming produced by the Corporation or at least the "acquisition or improvement of such knowledge or the enlargement of such understanding" which results from the programming, is subject to supervision and assessment by a provincial authority responsible directly to "Her Majesty in right of a province."

As any good educator knows, part of the design of any educational experience is its evaluation. As a matter of fact evaluation or assessment is implicit in its aims and objectives. It follows then that the "provincial authority" must control the programming from the outset.

My recommendation would be that we should press (collectively with other provinces) for a revision of the definition. I offer two alternatives:

1. Programming designed to be presented in such a context as to provide learning opportunities aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed, which programming taken as a whole shall be designed to furnish educational opportunities and shall be distinctly different from general broadcasting available on the national broadcasting service or privately owned broadcasting undertakings.

or

2. Programming designed to furnish educational opportunities as determined by the appropriate provincial authorities who have legal responsibility in the field of education, which programming, taken as a whole, shall be distinctly different from general broadcasting available on the national service or on privately owned broadcasting undertakings.

Morton, when interviewed (March 18, 1983), elaborated on this

theme:

I had a different philosophy . . . Regardless of the definition . . . the people who have a responsibility for education . . . they have a legal responsibility. Therefore it should be tied to curriculum. It should be supplementing whatever education deems the right thing to do. . . . So when I set up the Authority it was because I felt you create an independent corporation to satisfy the federal concerns so that the provincial government does not as a government use it for political (propaganda) purposes.

The setting up of the Authority was to act as a channel—a way of channelling . . . over here you establish needs . . . The Authority acts as liaison with ACCESS. These are the needs; how do we translate them into programs that mean something?

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The purpose behind it was that the Authority would act as an "authority" in the sense that it would bring together the needs of the constituents and be able to impose those needs if absolutely necessary, but within the educational setting, not in a political setting. But the Government would have the right through its Corporation, through its mandate in education to indicate needs to exercise some authority educationally.

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My concern when it became apparent that there needed to be a link between the Government and the Corporation, that it not be a monstrous agency . . . but that it be a minimal kind of thing . . . that perhaps one person with an assistant could do it all and not become a monster. I made that point initially . . . because the major responsibility was not ours but the educational people to identify needs, and so what we were was a link, a sorter, a bringing together of advisory people to sort out priorities . . .

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I felt, and Hyndman and Foster agreed, that we needed the Authority to act not only as a buffer, but as a channel through which education could ensure that its needs would be met.
(Interview, March 18, 1983)

Morton set to work. Late in 1973 he met with OECA officials in Toronto, then subsequently consulted with them by telephone. January 22, 1973 Morton reported his planning activities in the "Corporation Plan Book," in which he described the pattern developing for the Alberta structure as being based on the Ontario Act.

In Morton's own words:

I took the Ontario Act, some ideas I had and notes from discussions with the Ministers and Glen Acorn¹ and I went through it. We spent a long time developing the Alberta Educational Corporation Act. (Interview, Morton, March 18, 1983)

There was no question in Morton's mind that the fact that he had direct access to Hyndman greatly expedited the process of preparing the complex legislation, which followed:

No matter how busy Lou Hyndman was he always managed to have ten minutes or so to spare whenever I needed him. (Interview, Morton, March 18, 1983)

Preparing for the New Legislation

The preparation of the various drafts of the Act was a working arrangement that took place between Morton and Acorn. Progress reports and problems were presented at meetings called on an ad hoc basis between Morton, Acorn and Hyndman. (Acorn explained, when interviewed June 9, 1983 that Foster was always invited but did not always "show up," which "didn't prevent Lou Hyndman from going ahead. It was Hyndman's responsibility more than Foster's.")

¹Glen Acorn served as Assistant Legal Counsel, Attorney General's Department, from December 1963 until September 1971, becoming Chief Legislative Counsel for Alberta in October 1971. He remained in that position until 1979 when he was designated Special Counsel on Legislation. He is presently in private practice, occasionally serving as a special consultant to the legislature (Interview, Glen Acorn, June 9, 1983).

The need for this legislation, it will be recalled, was the federal government's "Direction" (QC PC 1972-1569). The federal government required a provincial corporation to be separated from the provincial government, in order to hold a broadcasting licence.

Acorn elaborated:

This is the kind of bill the government was simply forced into. The one thing I remember having more concern about was the directive [federal]—the one about ownership by a provincial government or a provincial crown corporation. I recall it was a complicated sentence. Morton . . . seemed to know what one should read into it. . . . The directive was so political one had to look at it from a political point of view, then shape the Bill. . . . We were content to go on forever with CKUA as far as AGT was concerned, but it was that Direction which put the screws to Alberta, so we had to . . . we knew they would go after us . . . The idea was to come up with a Bill . . . which would satisfy the feds, yet nevertheless leave the Alberta government with some kind of control over the money.

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The government [federal] was giving up this jurisdiction but with some reluctance because there was a general resentment by provincial governments of intrusion into their affairs . . . that Quebec was at that time fighting the 'Feds' tooth and nail . . . some thought the words in the Direction [PC 1972-1569] were shaped for Quebec. . . .

.

We were concerned . . . The politics were such that we could get away with . . . The point was on the face of it, it was not offensive. . . . (Interview, Acorn, June 9, 1983)

Over the early part of the winter, Acorn prepared various drafts of the Bill. After each draft was completed, copies were circulated to Hyndman and to Morton for their comments. When the drafts were returned to Acorn he would "scribble notes on the draft. . . . If there was anything significant, normally I would put it in the notes of the succeeding drafts" (Interview, Acorn, June 9, 1983). These "succeeding drafts" were discussed at meetings held after the completion of each draft.

In his third draft of the Act, Acorn clarified the confusion surrounding the term "Crown Corporation." His hand-written comments on this draft stated the following:

The Legislative Review Committee says that "Cabinet has agreed in principle to a new Crown Corporation." If by "Crown Corporation" it meant a corporation that is an agent of the Crown, this is not so. It can't be an agent of the Crown because of the federal Government's directive. It may be that we should expressly state that it isn't a Crown agent. [Emphasis in the original] (Alberta Educational Communications Corporation Act, Draft No. 3, February 28, 1973)

Acorn's comments, accompanying the suggested rewording of Draft No. 4 of the Alberta Educational Communications Corporation Act, read as follows:

This Bill will establish the Alberta Educational Communications Corporation which will provide a framework within which educational broadcasting and the production of educational programs and materials can take place.

The establishment of a corporation of this kind was anticipated by the Commission on Educational Planning. Furthermore it will enable Alberta to have one or more licensed broadcasting undertakings devoted primarily to educational programs.

The new Corporation will assume responsibility for the operation of radio station CKUA presently owned and operated by the A.G.T. Commission. The Corporation will also be able to negotiate for the transfer of the assets of MEETA and CARET. (Memo from Glen Acorn, Legislative Counsel, Attorney General's Department, to Honourable Lou Hyndman, Minister of Education, March 13, 1973)

In all, there were five drafts, which reflected a great deal of painstaking work and many revisions, most of which were directed at satisfying the conditions specified in the federal "Direction" (OC PC 1972-1569):

"Independent Corporation" means a corporation that the Canadian Radio-Television Commission is satisfied is not directly controlled by Her Majesty in right of a province . . .

Morton explained the proposed Bill:

Our "Corporation" will be set up by statute but is not a Crown Corporation in the usual sense of the term. The legislation responds rather directly to the federal direction to the CRTC. Another feature of our legislation is that there will be an Authority as well as a Corporation. The Authority—essentially the two ministers of education—will have an advisory committee or two which will relate the interests and requirements of the "educators"—the establishment in other words—to the corporation. (Letter, Morton to Black, April 14, 1973)

The Honourable Lou Hyndman explained that there are various degrees of control of "crown corporations." Most are set up by statute. In certain types the Minister is the Chairman of the Corporation, as in the case of Alberta Government Telephones. "In the case of ACCESS, as a Crown Corporation, the situation is far less direct as it is at 'arms length' and independent of direct control," said Hyndman (Interview, April 14, 1983). Acorn, who drafted the Bill, explained the status of the proposed corporation as follows:

The Bill that came out—it is not a Crown Corporation, not "an agent of the Crown," but this term causes much confusion. It is a "coined expression." It is just a name people apply. You cannot define a meaning from the words by looking at them. You have to look at the statutes to see if you would want to apply that term. You shouldn't attach any special significance to those words. In practical terms the more significant thing is the expression "provincial corporation" in the Financial Administration Act.¹ It deals with the whole gamut of the financial administration of the whole government. In there, there is a definition of provincial agency: "includes a provincial corporation or provincial committee" (the only difference is one is incorporated and the other isn't). "Any corporation where all or the majority of the members are appointed by the government." In this case we have all fifteen appointed by government. Whenever you see the words provincial corporation and provincial agency, you know ACCESS fits that description. (Interview, Acorn, June 9, 1983)

It was against this background that on April 3, 1973, a Bill

¹ Alberta. Financial Administration Act (Revised Statutes of Alberta) 1980 was first enacted in the Legislature late in 1977, becoming effective April 1, 1978. Acorn explained that this Act repealed (and was a radical departure) from all previous legislation to do with Treasury.

to establish the Alberta Educational Communications Corporation (Bill 45) was given first reading in the Spring session of the Alberta Legislature.

It is important to note, at this juncture, the words of Dr. Eugene Torgunrud, then the Director of Curriculum for the Department of Education:

Hyndman was one of the first government members from the current government and what was in the public vernacular known as "the big seven"—that central group who really were the major policy makers for Cabinet, and Hyndman was part of that group. (Interview, Torgunrud, March 16, 1983)

Torgunrud also pointed out the fact that Hyndman served as leader of the House as well as Minister of Education "so anything to do with legislation would have been of additional significance apart from his educational responsibilities."

Glen Acorn explained "the big seven":

The "Big Seven" is the Cabinet Committee on Priorities and Planning. It means you have a higher status in Cabinet. If you are on the Priorities Committee it means you have a great deal of clout. . . .

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The Cabinet Committee on Priorities and Planning is the single most powerful committee because the Premier chairs that committee. This same committee sits both as Treasury Board and Cabinet Committee on Priorities [not by statute], it just works that way. But in the case of the Cabinet Committee on Priorities, the Premier is the Chairman and when they sit as treasury, the treasurer is the Chairman. So they switch chairmen.

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. . . Just a closed "inner cabinet." When a decision comes out of that committee there is not much likelihood of it being overturned in Cabinet. . . .

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Hyndman was the sponsor of the Bill . . . it was more his responsibility than Jim Foster's. (Interview, Glen Acorn, June 9, 1983)

May 10, 1973 saw the passage of the Alberta Educational

Corporation Act (assented to May 10, 1973). On June 21, 1973 an Order-in-Council was passed designating the Minister of Education and the Minister of Advanced Education as the provincial Authority. Order-in-Council 932/73 allowed Section 2 of the Act (which deals with the Authority) to be proclaimed. The remaining sections were proclaimed October 17, 1973.

On going over the Act during an interview (June 9, 1983) Acorn expressed surprise that "the CRTC didn't come down on them" regarding Section 10(1) of the Act which reads as follows:

The Government of Alberta may make grants to the Corporation from moneys appropriated by the Legislature for that purpose either with or without conditions.

Acorn commented on Section 10(1) of the Act:

If the Government had chosen to do this it could have exercised a great deal of control by imposing the conditions under which the grants were given. But I think there was a genuine desire on the part of the Government to keep the Corporation independent. I don't think they wanted to exercise . . . to call all the shots. . . .

Even if they gave up these opening words in 6(1)(b) they had a much bigger hammer in Section 10(1). There it was. They could have imposed so many conditions on the money. . . . If you are going to give money away we can call the shots on what's going to happen. . . .

The independence of ACCESS is a case of the de facto situation as opposed to the legal situation. There are the tools [sections of the Act]. You've got 10(1) the big tool there and the potential for something under 6(1)(b) . . . subject to supervision . . . to direction. It's the word 'produce' . . . That would have meant that the provincial Authority could give directions as to the production of programs. (Interview, June 9, 1983)

This clause was to become the arena of controversy surrounding the issue of "independence" which was never resolved. The discussion which follows, elaborates.

The Alberta Educational Communications Corporation Act:
Its Relationship to the Definition of Educational
Broadcasting and the Issue of Independence

The Alberta Educational Communications Corporation Act, which established the Corporation, was the Alberta Government's response to the 1972 federal "Direction," OC PC 1972-1569.

Recalling the discussion in Chapter 4, reference was made to the sequence of events following the federal government's announcement of the withdrawal of Bill C-179.¹ A broader definition of educational programming was negotiated by representatives from the Council of Ministers of Education, Canada and the Secretary of State, and subsequently incorporated into the federal "Direction" to the CRTC.² The working out of a broader definition of educational programming was the culmination of a process of negotiation which involved defining the limits of federal and provincial jurisdictional domains. Seen in this context, a broader definition of educational programming can be interpreted as conferring a broader provincial jurisdiction. Indeed, Gérard Pelletier's comment (quoted in the Toronto Globe and Mail, February 19, 1972) that the definition was "so broad you can roll

¹A component of Bill C-179 was a somewhat narrow definition of educational programming which may be described as restricted to "in-school" broadcasting.

²Directions to the CRTC are issued pursuant to Section 27 of the Broadcast Act (which addresses the supervision and assessment of programs). This section refers to the power given to the Governor General in Council to issue directions to the CRTC (such as the Orders in Council PC 1970-459 and PC 1972-1569 discussed in a previous chapter). The first, Order in Council PC 1970-459, has to do with cable licencees who are required to set aside at least one channel for educational programming. The second, Order in Council PC 1972-1569, provides the conditions under which provinces are allowed to hold broadcast licences.

a truck through it," is indicative of the prevailing attitude at the time. The federal government felt that it had made major concessions to the provinces in this regard.

Nevertheless, the definition continued to be the object of much criticism. The very broadness and ambiguity of its terms has led to much confusion in interpreting the federal "Direction" (OC PC 1972-1569) and uncertainty in delimiting the boundaries of the divided jurisdiction which comprises the educational broadcasting domain.

The federal legislation prescribes the broadcasting of the following types of programming:

Programming designed to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or the enlargement of understanding . . . subject to supervision or assessment by a provincial authority by any appropriate means. . . . (OC PC 1972-1569)

Acorn elaborated:

That power looks fairly broad on the face . . . I would have thought "supervision" goes a long way . . . As Section 3(1) of the AECC Act (1973) specifies . . . you could apply the word "supervision" to allow the government to exercise quite a bit of control or direction. (Interview, Acorn, June 9, 1983)

Another problem arises from the very vagueness of the words, for almost any kind of programming can be shown to be educational in its content. To add to the confusion, the "Direction" goes on to require that such programming be "distinctly different from general broadcasting available on the national broadcasting service or on privately owned broadcasting undertakings."¹

¹Morton offered one possible explanation for the inclusion of this phrase: "The distinctly different term was to satisfy the private broadcasters that we were not in competition with them and funded with public money" (Interview, Morton, March 18, 1983).

The administrative dilemma with which governments and educators are faced can be simply expressed as follows:

1. How to assure the federal authorities that a provincially licensed body is not under the "direct control" of its provincial government when it is funded by that government.

2. How such a body may be deemed "independent" when the federal legislation requires that the "improvement of knowledge or the enlargement of understanding" be "subject to supervision or assessment" by a provincial authority, when that Authority comprises ministers of the Crown. The dilemma was neatly side-stepped in the federal "Direction" (OC PC 1972-1569) by defining independent corporations as those which the Canadian Radio-Television Commission is satisfied are "not directly controlled by Her Majesty in right of a province."

The Alberta solution to this dilemma was to devise a structure which would be deemed acceptable to the federal authorities. Morton reported his discussion of this issue with the CRTC Director of Corporate Affairs, lawyer John Hylton: "The word 'independent' in the definition is the operative word. In this regard, the CRTC is the sole referee" (Memo, Morton to Hyndman, Foster, Worth and Acorn, June 5, 1973).

How a corporation which is funded by its provincial government can provide adequate assurance that it is not in practice being directly controlled by that government presents a dilemma. It can be inferred that the potential for political interference is ever present.

This dilemma was summed up by Mr. Justice O'Byrne, Chairman of the Board of ACCESS, at the 1976 Alberta Educational Communications

Corporation licence renewal application when he stated the following:

. . . does seem almost a paradox to me that we talk about independence, and yet our funding comes from that government which we claim to be independent from. It's a kind of a mystery. (CRTC Hearings, September 8, 1976, Minutes of Proceedings, p. 27)

In devising the Alberta Educational Communications Corporation Act, the legal counsel incorporated the words from the federal "Direction" directly into the Act. In his words:

Admittedly the language in the direction is obtuse and unplain, and the only reason to adopt it is to be able to demonstrate to the CRTC that the Corporation fits the definition of "independent corporation." (Draft No. 3, February 28, 1973)

When interviewed, Acorn added:

It was right in their definition of "independent corporation" when it all started . . . that is when we sort of had to back in . . . it was drafted for its political effect so you can manoeuvre. (Interview, June 9, 1983)

The Alberta Government did, indeed, "manoeuvre." The creation of the Alberta Educational Communications Authority (according to Section 2¹ of the Alberta Educational Communications Corporation Act) was the Alberta government's attempt to find a solution to the dilemma posed by the federal "Direction" (OC PC 1972-1569).

Whether or not it was successful, only history will reveal.

¹Section 2(1) states:

"The Lieutenant Governor in Council may designate any person or persons or any other body or authority as the provincial authority for Alberta for the purposes of this Act and any direction of the Governor in Council made pursuant to section 27 of the Broadcasting Act (Canada) and may specify the name of the provincial authority so designated."

The Issue of "Independence" and CKUA

It is important to note here that "One of the prime reasons for setting up the Corporation" was pointed out by Morton (in a document entitled Alberta Educational Communications Authority, March 1973) as being "to secure the future of CKUA." The issue of CKUA's "independence" from government interference and control is an ongoing one which continues to surface at every CRTC hearing when the Alberta Educational Communications Corporation licence renewal application is being considered.

The initial licence application hearing provided an opportunity for the CRTC to test the "direct control" aspect of PC 1972-1569. At a hearing held in Vancouver, March 12, 1974, application was made by the Alberta Educational Communications Corporation for a transfer of ownership of CKUA from Alberta Government Telephones (and the University of Alberta) to the Corporation.¹

At these hearings, the presentation was made by Mr. Justice Michael O'Byrne, Chairman of the Board of ACCESS, and by Larry Shorter, President, ACCESS (attended by legal counsel). Mr. Justice Michael O'Byrne began the presentation:

I appear before you today to assist in discharging the onus which rests upon the Corporation to "satisfy" the Commission that the Corporation is not directly controlled by her Majesty in the right of the Province of Alberta.

The Statute creating the Corporation speaks for itself. However, it might be useful to outline some of the steps we have taken

¹The assets of CKUA held by Alberta Government Telephones (for the University of Alberta) were to become the property of the Alberta Educational Communications Corporation, as had been set out in Section 13(1)(a) of the Alberta Educational Communications Corporation Act.

under the Statute which reflect in part the measure of our independence. We had the opportunity to make use of Government Auditing, Legal and Banking Services. We chose not to. We have our own auditor, our own counsel, our own bank, and our own management and our own staff. In fine, we are masters in our own house with respect to all matters of internal management, subject only to the Authority approving our by-laws. This approval is, from a practical point of view, a matter to do with externals.

With respect to externals, we are funded by the Government of Alberta. We are subject to "supervision" and "assessment" by the Authority. These words are found both in the Federal Order in Council and the Statute. We must make reports to the Minister of Education and the Minister of Advanced Education which are tabled in the House. These constraints reflect the responsibility the Government of Alberta has to the people of Alberta whose money we are spending. (Honorable Michael B. O'Byrne, Presentation to the CRTC Hearings, March 12, 1974)

The issue of independence was paramount in a letter of support of the application of the Alberta Educational Communications Corporation, addressed to Pierre Juneau, Chairman, CRTC. The letter, containing the signatures of the Honourable Lou Hyndman and the Honourable James Foster (originally drafted by Morton) was presented at the hearings by Dick Morton. This letter stated the following as the position of the Alberta Educational Communications Authority with respect to the independence of the Corporation:

At the outset it must be pointed out that Radio Station CKUA since 1945, although nominally licensed to the University of Alberta, has been financed wholly by, and operated under the direction of Alberta Government Telephones. While we realize that CKUA has not until now fitted any of the official categories within the Canadian system of broadcasting there seems little doubt but that over the years it has won a significant and loyal following. It should be pointed out that during the time CKUA has been operated by AGT there has been no instance of political interference by any provincial government in CKUA programs.

By making provision for CKUA to be placed under the new Alberta Educational Communications Corporation the Government of Alberta is moving CKUA one further step removed from possible political influence.

Education in Alberta must be considered all of a piece. Within the very broad framework there is a network of jurisdictions and responsibilities, political, professional and non-professional. It was felt from the outset that the educational community which serves all the people of our province should be linked in significant ways with the Alberta Educational Communications Corporation. Because the two ministers of education and the Government of which they are members are directly responsible to the people of Alberta for educational matters it was deemed appropriate that they be designated as the Alberta Educational Communications Authority.

The Act establishing the Alberta Educational Communications Corporation sets forth how the Authority relates to the Corporation. For the most part the controls and procedures are in keeping with those which one would expect a responsible government to exercise over one of its statutory corporations. They are comparable to those contained in the Broadcasting Act 1967-68 with respect to the C.B.C. At the same time the Corporation is given the freedom it requires to fulfil its obligations as license holder. It should also be pointed out that the officers and employees of the Corporation are not officers or servants of Her Majesty nor can the Corporation act as an agent of Her Majesty.

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Particular reference might be made to two sections of the Act setting up the Corporation: Section 6(1)(b) in our view is solely concerned with programs and materials of an educational nature. Our interpretation of Section 6(3) is that it is consistent with the definition of educational programming contained in the federal direction to the CRTC.

We anticipate that the relationship between the Authority and the Alberta Educational Communications Corporation will be expressed through recommending broad guidelines related to educational priorities, through the giving of advice on program proposals, and coming to additional understandings reached by consultation and mutual agreement.

However, we are quite willing to agree, that in the final analysis, the Corporation must have the ultimate responsibility for what goes on the air. As an organization set up to be responsive to the broad aims and objectives of education as expressed through those who are responsible to Alberta citizens the Corporation will look to the Authority for guidance and expert assistance in many of its activities. At the same time its Board and its officers have a responsibility to you and to the people of Alberta to see that the broadcasting facilities which they shall control are used for the purposes intended.

On the face of it these may seem to be positions which are difficult to reconcile, made more difficult by the federal

direction which you are bound to interpret. We strongly urge that the licence be granted to the Corporation. We further suggest that at some appropriate time the CRTC, as the federal regulatory body for broadcasting and the Alberta Educational Communications Authority as the provincial entity responsible for supervision of communications as they relate to education, review the rather restrictive terms of the federal direction perhaps in consultation with other provinces. (Letter to Pierre Juneau, Chairman, Canadian Radio-Television Commission from Louis D. Hyndman, Minister of Education and James L. Foster, Minister of Advanced Education, March 6, 1974)

At this juncture, it is worth noting that it is during licence applications and renewals at its public hearings, that the CRTC provides an open forum for discussion.

The chief function of the Commission¹ is to regulate and to supervise all aspects of the Canadian Broadcasting System, including its private and public elements. The public hearing process is an important aid to this function, not only because it assists the licensing aspect of this function, but also because it enables the Commission to communicate regularly with broadcasters and the public in an open forum. (Christopher Johnston, "Procedure at CRTC Hearings," a paper given at Osgoode Hall, Toronto, May 23, 1973)

The Commission must be satisfied each time it grants or renews a licence that the issues raised will be resolved. It is during the question and answer period, following licence applications and presentations, that the CRTC's legal counsels engage in intensive questioning of applicants.

In the case of granting licences to provincial educational agencies, the Commission must be satisfied that the Corporation is "independent" for that Corporation to be granted a broadcast licence (and each time the licence is either amended or renewed).²

¹Part II of the Broadcasting Act (1967-68), which established the CRTC, deals with its hearing procedures.

²By virtue of the power of the Governor in Council to set aside or refer to the CRTC, any broadcasting licence under Section 23 of the Broadcasting Act, or alternatively, by the power of the CRTC itself to revoke or suspend a licence under section 24.

The issue of "independence" was the focus of intensive interrogation of the Alberta Educational Communications Corporation representatives during the question and answer period at the March 12, 1974 hearings. Christopher Johnston, CRTC legal counsel, was particularly concerned with Section 6(1)(b) of the Alberta Act which reads:

[The Corporation may] . . . subject to any directions made by the provincial authority, produce, acquire, sell, lease, distribute, exhibit or otherwise deal in programs and materials of an educational nature whether for use in broadcasting or otherwise.

Shorter, representing the Alberta Educational Communications Corporation, responded¹ to this concern, addressing the ability of the Authority to "issue directions" to the Corporation under the power vested by Section 6(1)(b) of the Alberta Educational Communications Corporation Act; however, Shorter was quick to point out that the Authority had not as yet issued any such "directions." Acorn elaborated on this point:

We were concerned . . . the politics were such that we could get away with . . . the point was, on the face of it, it was not offensive because then one would have to see what the directions of the Provincial Authority were. If the provincial authority was going to reach out for control, what would that control consist of? Because if the provincial authority, say, was going to give directions to ACCESS to actually dictate the content of the programs so they would be slanted . . . but one could say, you haven't seen the directions yet, so why should we squawk? (Interview, June 9, 1983)

Despite the potential danger inherent in Section 6(1)(b) of the Alberta Educational Communications Act, the Commission indicated that it was satisfied that the "independence" of the Corporation was still intact. A licence was granted to the Corporation for a two-year

¹Minutes of Proceedings, CRTC hearing, March 12, 1974, pp. 109-126.

period expiring March 31, 1976. In its decision (CRTC 74-76, dated March 29, 1974) the Commission stated its reasons for granting the relatively short-term licence:

After a careful examination of the structure and powers of the Alberta Educational Communications Corporation (the "Corporation") and its relationship both present and intended with the Alberta Educational Communications Authority (the "Authority") and having regard to the Applicant's representations made at the Public Hearing, the Commission is satisfied that the Corporation may be licenced pursuant to the Federal Cabinet's Direction to the Commission, Order-in-Council P.C. 1972-1569. In arriving at this conclusion, the Commission has taken into account the statement of the intended relationship between the Authority and the Corporation as described in a letter dated March 6, 1974, and submitted by the Alberta Ministers of Education and Advanced Education in support of this application.

The Commission remains concerned, however, by certain wording in the Act establishing the Corporation (Alberta Educational Communications Corporation Act, 1973 Statutes of Alberta, chapter three) which contains a potential for lessening the independence of the Corporation thereby raising the possibility that the Corporation might not continue to meet the requirements of Order-in-Council 1972-1569. The Commission has accordingly granted the Corporation a two year licence and will wish to consult with the Corporation and the Authority during the licence period as to the means by which the continued independence of the Corporation may be assured.

The Commission recognizes the value of the programming provided by CKUA to the people of Alberta. The Corporation as the licensee is now responsible for ensuring that the future programming of CKUA and CKUA-FM corresponds to the provisions of the Direction.

At long last, the problem of "what to do with CKUA" had been resolved. The new Corporation assumed responsibility for the operation of radio station CKUA and began the process of negotiating to purchase the assets of MEETA and CARET.

Making a Smooth Transition

It was Jim Foster and I who originally sat down and said: "now what do we need to get rolling?" . . . CKUA had been operating [so had] MEETA and we'd planned ahead for CKUA FM, color and all that. As I recall it was Jim and I who made a joint recommendation to Treasury Board and said "here is what we'll need to start up" and then the Treasury Department did a double check . . . to get the thing going. (Interview, Hyndman, April 14, 1983)

The Alberta Educational Communications Authority had a major role to play in the transitional period prior to the Corporation's being fully functional. The Authority was empowered to enter into contractual arrangements on behalf of the Corporation with the understanding that the Corporation would replace the Authority, once it was operational.

After the Act was passed, Morton and his small staff carried out the necessary functions acting on behalf of the Authority and thereby the government of Alberta, since the Authority comprised the ministers of education. Morton issued a statement May 22, 1973:

At the last session of the Alberta Legislature a bill was enacted establishing a Corporation which will provide a framework within which educational broadcasting and the production of educational programs and materials can take place. . . .

Until the Corporation is formally established the Government of Alberta may enter into agreements for purposes related to the future activities of the Corporation. The Corporation will later replace the Government as a party to such agreements. However only those agreements will be undertaken which are necessary to ensure a smooth transition from the present set of circumstances to those which will obtain when the Corporation is fully established.

Initially the Corporation was to make full use of existing communication facilities, the intent of the initial organizational phase being to organize and consolidate existing services.

Until the Corporation was able to operate in its own right, the provincial government made arrangements to finance the MEETA and CARET operations.

The effect of the establishment of the Corporation was that government funds previously designated for MEETA and CARET would, after July 1, 1973 be transferred to the Corporation.¹

It will be recalled from the previous discussion that the Honourable Lou Hyndman and the Honourable James Foster had sent official letters to the presidents of the boards of each organization, with assurances that the government of Alberta would continue to support both organizations, in their present form, on an interim basis:

In the meantime we are prepared to carry on the interim arrangements in good faith so that the staff can continue to function until the Corporation becomes viable.
(Letter to Mrs. Lois Campbell, Chairman of the Board, MEETA, December 29, 1972)

In their letter to Dr. Fred Terentiuk, President, Board of Directors of CARET, the Ministers promised that the proposed Corporation's structure would provide a framework whereby not only

¹Meanwhile, the three-year agreement MEETA had negotiated with the CBC in 1970 was to expire June 30, 1973, thereby ending Edmonton's unique arrangement of being the first licensed educational television broadcaster in Canada. As of July 1, 1973, MEETA would no longer be broadcasting on Channel 11. Other arrangements would have to be made along with MEETA's anticipated integration into the Alberta Educational Communications Corporation. Morton requested rate structures from all the major television stations in Alberta, both private and public, in the hope that contracts could be negotiated for air time.

present activities could continue, but which would implement recommendations for the future. The Ministers pledged to continue the operation of CARET until June 30, 1973 "in its present organizational form on the same basis as it had done since the inception of the organization." After that date, it was the government's intent to assume the full cost of operating the production facilities.

It is intended that the educational communications corporation will be given the responsibility for assembling, producing and distributing programs through centrally controlled facilities. However, it is understood that the planning of programs and the scheduling of them in local situations as well as their utilization in classrooms or institutions, are matters which may directly concern local authorities or consortia of local authorities. Future arrangements will permit the involvement of school systems, colleges, institutes and universities, and others with educational responsibilities to enable them to fulfil their objectives through the planning, distribution, scheduling and utilization of programs which have particular local relevance. It is hoped that these concerns might be expressed through a continuation of such organizations as CARET in a somewhat modified form.

The AECA has indicated to the CRTC its intention to utilize the single Cablevision channel which has been reserved for the distribution of educational programs on commercial systems in the province. It is expected therefore, that the corporation will undertake to provide educational programs using those existing distribution facilities which would be useful to schools and institutions, including cablevision systems. The responsibility for making the necessary arrangements for connections to cable systems is that of the school system and institutions which are directly concerned. (Letter from L. D. Hyndman, Minister of Education and J. L. Foster, Minister of Advanced Education to Dr. F. Terentiuk, President of the Board, Calgary and Region Educational Television, February 9, 1973)

In a memo to the Honourable Lou Hyndman (April 10, 1973)

Morton wrote:

Following our announcement in December there has been continuous consultation with management, staff and governing boards of MEETA and CARET and the management and staff of CKUA.

It will be recalled that the Federal Order-in-Council PC 1970-496 had stipulated that one channel be reserved for education in each cable network. The programming of the channel would be "subject to supervision by the provincial authority by any appropriate means." As the "provincial authority," it was the Alberta Educational Communications Authority's responsibility to designate and supervise all educational television channels (in cable systems) in the province.

"Trade-Off": Cable

Morton provided a rationale for the sequence of events that had transpired in setting up the Corporation (during the course of an interview, March 18, 1983):

Essentially what I did during the whole process in setting up the Corporation . . . set up an Act which would empower the Corporation . . . The main purpose initially was to bring together Edmonton, Calgary and CKUA under an 'umbrella' organization. The government felt it was taking the whole province and how can we make available . . . service. The idea was to create a more centralized organization and find ways of serving the whole province.

By that time cable was in and providing another outlet . . . and had come into Alberta and the educational channel was on the priority list. We were among the first of the provinces to take advantage of the provision.

Now you are taking, through the Corporation, various of these components and centralizing them. This may be useful for some kinds of things but it still leaves the needs of the local people. So cable was a way of filling local needs. So part of the pattern was to support local cable consortia and they are still in existence. . . . A policy! . . . There had to be trade-offs, when you are telling CARET—"we are no longer going to support you 50 percent"—it could kill the whole thing and it did. The trade-off is, the Corporation through its production facility will provide programmes which you can distribute along with other programs you may want to produce using the production facilities. I administered the idea—the 'trade-off'—instead of money we evaluated program credits—

the Corporation would give them program services. It took a long time. (Morton, Interview, March 18, 1983)

It did indeed take a long time! With Morton's guidance the process was begun. First, Mrs. L. N. Campbell, Chairman, MEETA Board of Directors, requested that Channel 13 on cable systems be reserved¹ for educational programming in the Edmonton region. Mrs. Campbell wrote to Mr. James Shaw, President, Capital Cable TV Ltd. and to Mr. E. J. Polanski, President, Quality Cable Television Ltd. (both, February 13, 1973). A similar pattern was followed in Calgary.

Until the Corporation was fully operational and while the negotiations were underway, the provincial government continued to pay all the operating costs. A formal transfer of assets was completed and took place when the Corporation became fully operational, July 1, 1973.

The Edmonton Journal, June 16, 1973, reported that "on July 1st, MEETA becomes the Edmonton-based component of the Alberta Educational Communications Corporation." It was the MEETA organization's intent to continue as an "advisory" and "liaison" group to the government after the transfer to provincial control was complete. A decision was made to expand its membership to include other educational organizations.

Dr. Terentiuk, Chairman of the Board of CARET, submitted a

¹Channel 13 on cable systems was made available as the "dedicated" educational channel in both Edmonton and Calgary for MEETA and CARET to program, respectively. Eventually ACCESS withdrew and Educational Television Consortiums formed to continue this function. Similar consortiums were formed in Lethbridge, Red Deer, Grande Prairie, Fort McMurray, St. Paul and Crowsnest Pass.

letter to the Authority (July 4, 1973) wherein he agreed that their share of the assets would be taken out in services to be provided by the Authority.

The Directors of CARET felt that the share of the CARET assets assigned to the Department of Education should be made available for projects determined through group action by a continuing CARET organization. It is the intention of the Board to continue the CARET organization with an expanded membership in order to plan and coordinate programming of importance to Calgary and region.

In anticipation of what was to come to pass, Morton produced a document entitled "Alberta Educational Communications Corporation Prospectus" (September, 1973).

It is not expected that the Corporation will emerge "full blown" in every particular. During the transitional period (until March 1974) the continuation of certain activities is ensured. The Director and the Executive Staff should have an opportunity to evolve policy and develop plans which should have very long range implications.

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The Alberta Educational Communications Authority acting on behalf of the Corporation has authorized the transfer of funds to MEETA (Television North) and CARET (Television South) both for the continued operation of the facilities and to enable programs to be acquired, produced and distributed during the transitional period.

Directly after his appointment to the position of President of ACCESS, Shorter was sent an official authorization from the provincial Authority, signed by Hyndman and Foster (December 3, 1973). This document signified the Authority's approval of the Corporation's bylaws, which authorized the Board of Directors to enter into negotiations and agreements for the transfer of assets.

Negotiations continued, and an agreement was finally reached. Mrs. Lois Campbell, Chairman of the Board of Directors of MEETA, made a formal offer to the Corporation, March 6, 1974:

The board of Directors of the Metropolitan Edmonton Educational Television Association agreed to offer to the Alberta Educational Communications Association the assets and liabilities of the Metropolitan Edmonton Educational Television Association for transfer to the Alberta Educational Communications Corporation.

The transferring of the assets of MEETA and CARET required a restructuring of these organizations. A system of "program credits" was devised whereby MEETA and CARET would turn over their assets to the Corporation in exchange for "program credits" (which were the agreed upon net value of the associations). These "program credits"¹ were to be honoured through services from the Corporation which would be paid for by the members ("direct costs" of program production). The method of spending these credits was to be negotiated by the Corporation and the member organizations concerned. The time period for members to utilize their "program credits" was set at up to June 30, 1976.

The definition of "direct costs"² was to be negotiated between

¹ MEETA and CARET turned over their assets to ACCESS in return for program credits expressed in dollars provided by the government to ACCESS. These "program credits" were to be used by the members in payment for services required of ACCESS (such as the production of specific programs, etc.).

² Direct and indirect costs were defined in Morton's "Prospectus":

"It is assumed in the above arrangement that Corporation funds pay for the staff and facilities necessary to operate the production centres - radio or television. These are sometimes referred to as indirect costs or basic costs without which there would be no staff or facilities to do any production work at all. 'Direct' costs are deemed to be those which are required to produce the program or series of programs over and above the cost of the staff and facilities. These include cost of writing scripts, the cost of performers, the cost of film, graphics, sets, the cost of necessary travel, telephone calls or any other costs which are incurred because of the

participating institutions and the Authority.

In an official letter to Mrs. Campbell, dated March 21, 1974, Morton "accepted in principle" the offer contained in Mrs. Campbell's letter: "The offer is conditional upon acceptance by the Alberta Educational Communications Corporation of the terms of this agreement." (The Alberta Educational Communications Corporation was to be given legal ownership of the assets.)

An identical letter was transmitted to Dr. Terentiuk (re CARET).

The process was documented by Morton in a memorandum to the two Ministers and their deputies (the Honourable Lou Hyndman, the Honourable James Foster, Dr. Worth and Dr. Hawkesworth, April 1, 1974).

It was agreed that CARET would transfer its assets to the Alberta Educational Communications Corporation without dissolving the company. CARET could continue as a "shell" company to act as a focus for the special interests of the Calgary and region educational community as far as the Alberta Educational Communications Corporation is concerned.

Toward the end of March, 1975, Morton's "Alberta Educational Communications Corporation Planning Digest" indicated that the Corporation was now responsible for the operation of Television North (formerly MEETA) and Television South (formerly CARET) and on April 1, expected to acquire the assets of CKUA and become responsible for its operation as well. In addition, the Alberta Educational Communications

production of that particular program or series of programs.

"This direct cost/indirect cost arrangement is one of the most fundamental assumptions in this Prospectus." (Alberta Educational Communications Corporation Prospectus, September 1983, pp. 8-9)

Corporation had been asked to take over the video-tape and audio-tape duplication or "dubbing" centers currently operated by the Department of Education's Audio-Visual Branch. Further, the Corporation was now programming a half hour per day on six Alberta commercial television stations.

Documentation of the government's official position in terms of its perceived mandate included the following:

As the Corporation interprets it, the Government has endowed AECC with the immediate mandate:

1. To continue with the decentralized approach of MEETA and CARET but with greater efficiency.

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Included in this mandate is the understanding that, while decentralized operations may reflect local needs and local participation . . . programming will . . . be in accordance with any direction received from the educational authority. Such programming will be designed to meet those specific needs, priorities and learning objectives identified by the educational authority, these responsibilities being incumbent upon the authority. (Morton, "Alberta Educational Communications Corporation Planning Digest," March 1974)

Directors of the Corporation

Section 3(1) of the Alberta Educational Communications Corporation Act states:

There is hereby established a corporation with the name "The Alberta Educational Communications Corporation" consisting of 15 directors appointed by the Lieutenant Governor in Council in accordance with this section and section 4.

Section 3(2) of the Act states that "Not less than three and not more than four of the directors shall be employees of the Government of Alberta."

Section 3(4) of the Act indicates:

The Lieutenant Governor in Council shall, in making an appointment under this section, prescribe the term of office of the director so appointed which shall not exceed three years, but this subsection does not operate to preclude the re-appointment of any person as a director.

In accordance with the Act, directors of the Corporation were appointed by Order in Council. (Ministerial approval is required for recommendations for Order in Council respecting appointments to the Board of Directors.)

Acorn explained the structure of the Board in relationship to the Corporation:

Technically ACCESS and the Board are the same thing. The way I set this thing up, there is no Board of the Corporation as such, in the sense of an ordinary company when you have shareholders who appoint a Board of Directors. It is just that there is a Corporation and it has members and so each person appointed is a member. It is not called a Board as such. (Interview, Acorn, June 9, 1983)

An excellent editorial in the Calgary Herald April 23, 1973 addressed the issue of the appointment of ACCESS Board members. In comparing the ACCESS board to that of the CBC, the editorial stated:

The Alberta Corporation will have fifteen directors, all appointed by the Cabinet, and that's where the CBC analogy may break down. The CBC has an appointed board, but it also has a well established tradition of politically-independent management. That could well be the missing ingredient in the Alberta Corporation.

The Cabinet should consider delegating some of its power to appoint board members, or should at least seek nominations from various segments of the interested public. . . . to make sure that it does not become a creature of the government.

Hyndman did not give credence to the criticism that the Board was a "creature of government," but saw government appointments to the Board as "the application or the method by which the government's

philosophical mandate was delivered to the Corporation." Indeed

Hyndman held that setting up such a structure could prove productive:

That's the kind of healthy tension . . . we even set it up hoping that it would happen, a little bit of "push-pull." The Board [of ACCESS] would stand up when it should and the Department and Government would stand up when it should. (Interview, Hyndman, April 14, 1983)

In discussing the appointment by the Cabinet of the members of the Board, Hyndman related the following:

These people were intelligent amateurs who would have a feeling for what was going on out in the community—both urban and rural. They were selected on the basis—partly geographical, partly interest groups, partly people who could understand that this was a unique kind of delivery system. People who were modern and up-to-date who would understand that it [CKUA] would be a minority sort of station for broadcasting.

We looked around for a Chairman—and the Judge was selected . . . we got to the stage where we had to have that independence, yet we had to be sure that it was credible. Its Chairman, its Board, its President would all be such that we could say to the public that we were confident that we know what to do. We are technically O.K. and they are carrying out the mandate . . . it's like P.W.A. We don't fly the planes, we don't decide where the seats are . . . we go and do it; generally it worked out well. (Interview, Hyndman, April 14, 1983)

In accordance with the Act, fifteen directors were appointed by Order-in-Council. Four "government" members were appointed in accordance with Section 3(2) of the Act (cited above).

Section 3(5) of the Act states:

The Lieutenant Governor in Council shall designate one of the directors as chairman of the Corporation . . . and shall prescribe their terms of office . . .

Justice Michael O'Byrne was selected to be the first Chairman and continued to serve in that position until 1979.

Acorn commented on the appointment:

They wanted somebody with prestige. This was to be set up and I think that the idea of having a Supreme Court judge as

Chairman would give a greater assurance to the federal government that they had an impartial person on there. . . .

Michael was a Liberal appointment on the Bench . . . There weren't that many Conservative Judges on the Bench at that time . . . Michael was well known and highly regarded. . . .

I know if Michael was there, there would be no kow-towing. I know that Michael, there is no way he was going to sit there and take orders from the government, or directions or anything else.

The independence of the Corporation depends to a large degree on the personality of the Chairman. If he is going to "play ball" with the government and go along with all of their guidelines or suggestions and therefore not demand independence, the independence disappears. . . .

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The independence of ACCESS is really based on the principal players and that could change. (Interview, Acorn, June 9, 1983)

The Honourable Lou Hyndman commented on the connection between the independence of ACCESS and the Chairman of the Board of ACCESS:

ACCESS was out there in the distance, where the Chairman was a judge, not only in fact, but symbolically independent. The Judiciary is independent, and the Authority was out there doing its thing. (Interview, Hyndman, April 14, 1983)

Morton prepared "The Alberta Educational Communications Corporation Prospectus" (September 1973) for the guidance of members of the Board of Directors. Each member was sent a copy prior to the inaugural meeting of the Board, which was held at Government House, October 31, 1973.

In a presentation to this first Alberta Educational Communications Corporation Board meeting, Morton addressed what he termed "this historic event":

. . . The assumption is that the Corporation belongs to the people of Alberta. The control of the Corporation is exercised through the Legislature and through this Board. Subject then to the conditions of the Act setting up the Corporation, this Board

controls the Corporation. But there are strings. . . .

To all of these¹ the Corporation must relate. In order to provide what may be described as an official bridge or channel between the Corporation and these institutions, the Act provides for an Authority. By Order in Council the Minister of Education and the Minister of Advanced Education are designated as the Authority. The Act makes provision for a civil servant - a director, to be concerned with the operational aspects of the Authority, and advisory committees made up of representatives of those directly involved in various facets of education including the clientele. The Prospectus sets out the kinds of things that the Authority will be concerned with both as the entity which relates the Corporation to the Government and the Legislature and the entity which represents the educational community - the institutional and individual consumers of the product of the Corporation .

Certainly we are going to have to work together, Corporation and Authority.

Section 8(2) of the Act states:

The Lieutenant Governor in Council shall appoint a person as President of the Corporation, . . . and shall prescribe the remuneration payable by the Corporation to the President.

In compliance with the Act, Larry Shorter was appointed the first President of ACCESS. This was a Cabinet appointment made on the joint recommendation of the two Ministers (of Education and Advanced Education), Hyndman and Foster, with the support of their two deputies, Worth and Hawkesworth. In Dr. Hawkesworth's words (Interview, March 24, 1983):

We both (myself and Dr. Worth) felt Shorter had the concept

¹Morton was referring in his presentation to the following:
 "Within the entire structure or structures which stem from the two Departments of Education is a complex set of authorities, institutions, professions and organizations which have been delegated a degree of control over certain aspects of the educational enterprise. In addition there are many departments of government as well as agencies both private and public which perform functions which can be described as educational."

of what ACCESS would become—he was the right man for the job and could be instrumental in the implementation of the "vision" to enable him to influence the development of the ACCESS network. . . . He is a very creative man . . . the kind of person that was needed to establish the Corporation.

Reno Bosetti corroborated this view, and further pointed out that "the promise of ACCESS was sold by Larry Shorter . . . a tremendous developer" (Interview, Bosetti, March 16, 1983).

The Alberta Educational Communications Corporation began its operation November 1, 1973, when Larry Shorter took over as President. December 28, 1973 Morton sent an official communication to Larry Shorter which read:

The Authority accepts the term "ACCESS" as the "trade" name of the Alberta Educational Communications Corporation. As of January 1, when we refer to the Corporation, the term ACCESS will be used.

The Annual Report of the Department of Education, 1973, described the Act as follows:

The Act gives authority for the establishment of the Alberta Educational Communications Corporation within which educational broadcasting and the production of educational programs and materials can take place. The establishment of the Corporation enables Alberta to have one or more licensed broadcasting stations devoted primarily to education. The new Corporation assumes responsibility for the operation of radio station CKUA which was owned and operated by the Alberta Government Telephone Commission. The Corporation has purchased the assets of MEETA and CARET.

The Alberta Educational Communications Authority

The Act establishing the Corporation, it will be recalled, also established the Authority. Section 1(d) states: "provincial authority" means the provincial authority designated pursuant to section 2."

In Section 2(1) of the Act it states:

The Lieutenant Governor in Council may designate any person or persons or any other body or authority as the provincial authority for Alberta for the purposes of this Act and any direction of the Governor in Council made pursuant to section 27 of the Broadcasting Act (Canada) and may specify the name of the provincial authority so designated.

Sections 6(1)(b), 6(3) and 7(2) set out the operational relationship of the Authority and the Corporation. Section 6(1)(b) states:

The Corporation may, subject to any directions made by the provincial authority, produce, acquire, sell, lease, distribute, exhibit or otherwise deal in programs and materials of an educational nature whether for use in broadcasting or otherwise.

Section 6(3) states:

The programs and materials transmitted through a broadcasting undertaking of the Corporation are subject to supervision or assessment or both by the provincial authority.

Section 7(2) states:

No by-law of the Corporation is valid unless it is approved by the provincial authority.

Section 11(3)(4) of the Alberta Educational Communications Corporation Act establishes the provincial authority as the body which gives final approval to the financial operation of the Corporation.

Section 11(3) states:

The Corporation shall, before the 90-day period preceding each fiscal year of the Corporation, submit its budget for that fiscal year to the provincial authority for its approval.

January 16, 1974, Morton issued a document entitled, "The Alberta Educational Communications Authority," in which he related the Authority's mandate.

In addition to carrying out its duties of "supervision or assessment" on behalf of the Provincial Government it acts in a liaison capacity between the Corporation and the Government. In carrying out its function of "supervision or assessment" it must monitor and carry on research in many areas; the education

departments and institutions, associations etc. and ultimately the users or audiences to assure that the programming is in fact meeting the need for which it was created or how successful it has been in this direction. It must assess whether the degree of success justifies the cost of production or acquisition and distribution.

ROLE OF THE A.E.C.A.

To fulfill its function the A.E.C.A. has the following responsibilities related to the activities of ACCESS:

1. One of the prime responsibilities of the Authority will be to identify educational needs and establish priorities which can be met by the facilities of ACCESS. To help it discharge this responsibility it will seek advice and suggestions from a great many areas; professional educators and administrators, all the way from Early Childhood programs to further and continuing education, Youth organizations, Senior Citizens groups, Native organizations, Ethnic groups, Handicraft guilds, etc.
2. It will be responsible for approval of Corporation by-laws, budgets, purchase of land and advances for capital expenditures.
3. It will make directions to the Corporation relative to the production, acquisition, sale, leasing, distribution etc. of materials of an educational nature whether for use in broadcasting or otherwise. In determining "needs" in the area of general educational television the Corporation, on the advice of the Authority, should consider filling gaps and complementing the programs of other broadcasters, the C.B.C. and private stations, rather than doing similar things in a similar way. The Authority must make sure that such broadcasting done by the Corporation is "distinctly different". The Authority has a responsibility to direct the Corporation that it should not undertake the production and broadcast of certain kinds of programs which are properly the responsibility of holders of other forms of licenses. Many of the directions of the Corporation will come as a result of recommendations from the A.E.C.A. Program Policy Committee. The Authority will make direction to the Corporation relative to Priorities and Guidelines.
4. Since the Provincial Government is responsible for education, if a question should arise as to whether some program material is or is not educational according to the CRTC definition the interpretation would rest with the A.E.C.A. rather than the Corporation.
5. It must insure that certain reports from the Corporation are

received by it and transmitted with or without comment to the appropriate Government or Legislative body. These would include such items as the Annual Report, the Yearly Audit, and any other reports that may be requested from time to time.

Advisory Committees to the Alberta Educational
Communications Authority

Section 2(2) of the Alberta Act states:

The provincial authority may

- (a) establish one or more advisory committees for any purpose in connection with this Act and appoint its members,
- (b) prescribe the powers and duties of an advisory committee so established . . .

In accordance with this provision, the Program Policy Advisory Committee was set up soon after the passing of the Act.

In a short statement dated December 3, 1973, Morton wrote:

It is the Program Policy Advisory Committee and will have a very considerable impact in implementing the Authority's mandate regarding educational opportunities in Alberta. It is a broad based committee representing Educational institutions, ethnic groups, early childhood interests, adult re-training interests, Home and School associations, native organizations etc. It will have in-put ideas from a wide variety of existing sources and may be responsible for establishing certain program guidelines for the director of ACCESS.

Morton's document (cited above), issued January 16, 1974, entitled "Alberta Educational Communications Authority," indicated that the "broad base" of the committee would include representatives from the following:

- 1 - ATA (nominated by the provincial organization)
- 1 - ASTA (nominated by the provincial organization)
- 1 - Home and School [Association] (nominated by the provincial organization)

2 - Department of Education (nominated by the Department officers)

Early Childhood

Basic Education

2 - Department of Advanced Education (nominated by Department officers)

Learning Resources

Further Education

1 - Culture, Youth and Recreation

1 - University representative

1 - College representative (both public and regional)

1 - Technical/AVC representative

1 - Association of Continuing Education representative

1 - Representing the general public

1 - Representing the Alberta Native Communication Society.

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The committee will receive program ideas from a wide variety of existing sources and will also evaluate the degree of acceptance and use of program material acquired or produced and broadcast or otherwise distributed by ACCESS. It may consider, in formulating its Guidelines, the following: percentage of Canadian and more specifically Alberta content produced or acquired, programs already produced elsewhere which may be available and suitable to fill an Alberta need, regional needs versus provincial needs, allocation of funds for certain types of programs, examination and approval of program proposals etc. The results of the committee's deliberations and its recommendations are passed on the ACCESS via the A.E.C.A.

Hyndman explained his rationale for building into the Alberta Act a structure which in effect, created two different levels of advisory boards, one for ACCESS and one for the Authority.

Whenever you set up a Board there are two competing points of view. One is that you have to ask various interest groups (example, ATA, ASTA, Indian Brotherhood, etc.) for their

nominees. We didn't take that approach. We said, look we want to get a broadly representative group of people who have good bright judgement. Then we said, however we recognize that the ATA is going to want to know what is going on in this thing because hopefully they [the Corporation] would be supportive of teachers in the classroom, and they [the ATA] have professional committees and curriculum and a host of things. So we said they would be represented as the ATA nominee on the PPAC committee—that we would be advised of, and the school trustees would have another view. They were more representative of the professional knowledgeable technical area (delivery in the classroom). The people on the Board of ACCESS, as in most boards in the province, are not appointed for their technical expertise at all, but on the basis that they can stand back and ask the tough questions . . . on the basis of their broad experience . . . "thoughtful amateurs."

"Content" is the key word here. In other words what was broadcast out there . . . If what the teacher in school was teaching . . . whether or not that was being reinforced by, or what the Corporation did was parallel to what they were doing there. This requires a knowledge of the philosophy and psychology of education. The people on the Board [of ACCESS] weren't appointed for that. They were appointed for broad general decision-making, budgets, prioritizing, as between TV, radio, broadcast specials, shorts, color, etc. What are people thinking out there and that sort of thing. (Interview, Hyndman, April 14, 1983)

Hyndman had believed that "these two groups" would get together by virtue of the fact that Section 3 of the Act had made provision for the Corporation's Board of Directors to contain appointments who were representatives of departments from the Government of Alberta (Education).

Hyndman added:

Also the President of ACCESS and some of the senior appointed people would meet with the program content people in devising, for example, their annual presentation about what they intended to do during the year, and their emphasis was this, and the Authority's was that . . .

The Authority's Program Policy Advisory Committee was appointed "at the pleasure of the Minister." That is, prospective members were nominated by the deputy ministers in charge of the

respective departments or by the executive of the Associations (listed above). Names of nominees were then submitted to the Ministers (acting on behalf of the Alberta Educational Communications Authority) for their approval.

By February 1974, the first Policy Planning Advisory Committee was formed. The first meeting of this Committee was held February 6, 1974, in Mr. Hyndman's office. The minutes of the meeting reported that addresses by the Honourable Lou Hyndman and the Honourable James Foster stressed the following:

. . . the importance of the advisory committee in helping to determine the relationship between the government and the Alberta Educational Communications Corporation. (Policy Planning Advisory Committee, Minutes, February 6, 1974)

The Program Policy Advisory Committee was set up to deal almost entirely with matters related to program policy. As time went on, however, other advisory roles emerged, which created problems.

Prior to the establishment of the Program Policy Advisory Committee, Dr. Worth had foreseen and expressed concern about "the possible confusion and duplication of effort" between the Program Policy Advisory Committee and "advisory committees which will undoubtedly be established by the Corporation" (Memo to Morton, July 16, 1973).

Dr. Worth identified the "confusion" which he felt was bound to arise when two different groups would be identifying and determining needs and priorities.

Dr. Worth was most concerned about "the principle that the AECA will direct the Corporation" (emphasis in the original):

I must caution that such a principle would be anathema to those institutions such as colleges and universities who prize autonomy and will be suspicious of government direction of a reportedly independent Corporation—especially at a time when their colleagues in Ontario have been strongly criticizing OECA as a government puppet. (Memo, Worth to Morton, July 16, 1973)

Under the provisions of Section 6(1)(b) of the Alberta Educational Communications Corporation Act, the Alberta Educational Communications Authority is given the power to issue directions to the Corporation (on matters having to do with the production, acquisition, distribution of educational materials). In order to relate the Corporation's programming to educational needs and priorities, this power came to be exercised by the Authority, on the advice of its advisory committee (the Program Policy Advisory Committee) by the provision of directions called "Guidelines." These "Guidelines" would reflect priorities within the provincial educational system and the public at large.

One of the prime responsibilities of the Authority will be to identify educational needs and recommend priorities . . .
ACCESS . . .

.
it will give guidance to ACCESS. . . .

.

Much of this guidance will come as a result of recommendations from the AECA Program Policy Advisory Committee. This committee broadly representative of educational interests in Alberta will advise the Authority on matters relating to desirable program policy. . . .

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In planning its program services, the Corporation looks to the Alberta Communications Authority . . . for its subject matter priorities while the AECA has not yet instituted formal procedures for the identification and development of these priorities. (First Annual Report of ACCESS, "Changing Hands," October 17, 1973 to October 16, 1974, February 1, 1975)

These "Guidelines" were not developed for consideration by the

Ministers until the early part of 1975. The Ministers approved and officially transmitted these "Guidelines" to ACCESS, February 28, 1975. The processes surrounding these events are explained in the chapter which follows.

Summary

The preparatory work for the new legislation was completed in time for the spring session (1973) of the Legislature. Bill 45 was introduced as planned in March, and proclaimed in May, 1973. This legislation was based on similar legislation (1970) which had been enacted by the Conservative government in Ontario, but with certain significant departures: Whereas Ontario had interpreted the term "provincial authority" as being the independent corporation itself, the Ontario Educational Communications Authority, Alberta created two entities, a "Corporation" and an "Authority." The Alberta solution was so devised in order to avoid the pitfalls of the Ontario model. Officials within Alberta Education felt that the Ontario government had allowed the establishment of a Corporation with too much independence from the Ontario Department of Education. Careful consideration was given to devising a solution which would be deemed acceptable to the federal authorities, yet which would allow the provincial government the control which was its constitutional right. In order to satisfy the federal "Direction" (OC PC 1972-1569) for an "arms length" relationship with government, two separate entities were created: an "independent" Corporation and an "Authority" to represent government and oversee the Corporation. The Alberta

legislation incorporated much of the wording of the federal "Direction," despite its vagueness in defining the term "educational programming." The ambiguity of this broad definition embedded in the federal legislation was reflected in the lack of specification of the relationship and respective roles of the Corporation and the Authority. Some aspects of the relationship were, however, specified in the Act, the most important one being Section 6(1)(b) whereby the Authority is given the power to issue "directions" to the Corporation. In order to relate the Corporation's programming to educational needs and priorities the Authority and its advisory committee (the Program Policy Advisory Committee) set to work to devise these "directions" in the form of "Guidelines."

Chapter 7

"OFF AND RUNNING"

The Formative Years: The "Honeymoon Period"

When you are in a new organization there is a "honeymoon period" when you can get anything you want . . . and you must always take advantage of it—and that's what we had during our first years, in our "honeymoon period." We were off and running before they even knew . . . what was happening. You go! We were up with "Come Alive" on the air within ten months from the day the Corporation got going—one hour live! It was incredible! and that's important! (Shorter, Interview, April 12, 1983)

In describing the first year of operation, Shorter proudly reported the success of the programming series, "Come Alive" as follows:

We began with an idea for a remarkably ambitious program called "Come Alive"; as this is written that program is networked across the province for an hour each weekday morning and it is Alberta's most popular television program in that time slot. (President's Report in the First Annual Report of ACCESS, February 1, 1975)

"Come Alive" was the culmination of Shorter's strategy for implementing centralized ACCESS television programming. Network television time was purchased from commercial stations across the province in order to air the programs on a province-wide basis.

Dr. Tom Ditzel, the then Director of Program Development for ACCESS, described this "magazine" program as a "bold attempt to offer education to a wide audience":

"Come Alive" is our attempt to interpret educational principles into production . . . we have input from all areas of education, the Departments of Education and Advanced Education, Continuing Education, Early Childhood

and . . . "Come Alive" will respond to priorities gathered from their own curriculum specialists . . . response to input . . . (ACCESS Alberta Magazine, Pilot Issue, June 1974)

In the same Pilot Issue of ACCESS Alberta Magazine (June 1974), Shorter's article entitled "First Steps: Few but Large," described "Come Alive":

The program "Come Alive" is our flagship, theme level, showpiece. It addresses priorities. Multi-culturalism. Alberta studies, fine arts, consumerism, metrics, early childhood, coping skills, the environment, pre-retirement, and a good many others.

By deciding to concentrate on these priorities we are, in effect, saying no to . . . a good many others.¹

"Come Alive" began "live" broadcasting on a province-wide basis, October 14, 1974. The AECA Progress Report (Morton, October 23, 1974) stated the following:

"Come Alive" is now on the air (October 14) over a network of private stations—CFRN, CKRD, CFCN, CHAT, CITV and CKSA either from 9 to 10 each weekly morning, or 1 to 2 each weekday afternoon (CITV and CKSA).

In addition, ACCESS has purchased an additional hour in Calgary and an additional three (3) hours in Edmonton which are programmed by TV South and TV North respectively.

TV South and TV North are both programming days and evenings on Cable Channel 13 in their respective cities.

In summary, ACCESS is broadcasting over the air, in most parts of the province a total of 30 hours each week. On cable in Calgary and Edmonton the number of hours each week is in excess of 200 hours. (Morton, AECA Progress Report,² October 23, 1974)

¹It was this decision to "concentrate on these priorities . . . in effect saying no to . . . a good many others," which was eventually to lead to the demise of "Come Alive."

²The extension of radio CKUA until it served the whole province was also part of the centralization plan, referred to in the Progress Report.

When questioned as to his rationale for selecting the "Come Alive" format, Shorter referred to Morton's "very important document," the AECC Prospectus (September, 1973) which he felt provided justification for "Come Alive":

Under the Prospectus,¹ it specifically identified "unorganized areas" where we were to take the initiative.

.

Before it [the Prospectus] was published there was a good deal of argument within the Department as to whether ACCESS was strictly working to support existing educational institutions or were there "unorganized areas."² (Interview, Shorter, April 12, 1983)

Shorter elaborated on these "unorganized areas":

One big thing that came forward—that was the whole area of adult education. The Worth Report: you drop the book down and the odds were 2:1 that one of the pages would mention adult education—it was heavily adult education—then under Foster's ministry, the Department of Advanced Education, Brian Staples was organizing further education councils and developing subsidization regulation on adult education.³ Everyone was pushing for adult education. . . . And Worth was the new Deputy. There was no question that Advanced Education was gung ho on further education. ["And had lots of power," added Justice O'Byrne.⁴] This was reflected in ACCESS. The first thing we began doing when we were licensed. We said

¹Morton's intent, in writing "The Prospectus" document was explained by him as follows: I felt the Prospectus was a useful document. It was not intended as a source book that they had to follow . . . there were certain aspects they didn't adhere to . . . but I felt there were some areas where it was quite legitimate from their perspective" (Telephone Interview, Morton, June 15, 1983).

²These "unorganized areas" gradually evolved into "supplementary roles," and will be addressed in Chapter 8.

³It is important to keep the chronology of events in mind. Concomitant with the development of the Corporation was the creation of the Department of Advanced Education and Manpower. Their formative stages of development were coincidental.

⁴It should be noted that The Honourable Mr. Justice Michael O'Byrne and Mr. Larry Shorter were interviewed jointly April 12, 1983 (at the suggestion of Justice O'Byrne).

under the terms of the Act, the Authority gives us our program priorities. We asked the departments for their priorities. The Department of Education realized that they didn't have a needs analysis to identify what their priorities were. So they said you can run on these vague sorts of things ("motherhood statements") until we get a needs analysis going to identify what the priorities are.

.....

Meanwhile our attitude was, we can't understand what you are worried about. This was a phrase we used over and over again: "What have you asked us to do that we haven't done?" Because they hadn't given us their priorities. . . . It was eighteen months to two years and a needs analysis was never done. [Justice Michael O'Byrne added: "We didn't solicit any, we were happy to run . . . we were fast out of the gate!"] (Interview, Shorter and O'Byrne, April 12, 1983)

Morton corroborated this Department of Education lack of direction at this stage:

Larry is right to some extent, that one can set up this philosophical thing but when we tried to pin down people who had responsibility, they waffled and were not very clear and we simply had to force the issue at times. Certainly there was some frustration as far as ACCESS was concerned, at the beginning. ACCESS said O.K., we are supposed to do educational stuff. Where is the educational stuff we are supposed to do?¹ (Telephone Interview, Morton, June 15, 1983)

¹Determining needs and priorities was not, however, an easy matter, as they were quick to discover. In Morton's early oft-cited document "The Prospectus" (September, 1973), Morton had already anticipated a problem which was to plague both the Authority and ACCESS for the years to come:

"While it is easy to say that the programs which are acquired and produced by the Corporation for the use of Alberta people should meet educational needs, the determination of those needs is not so simple.

.....

"How are these needs identified, how are the needs turned into program ideas, in what form should they be produced and how can they best reach the people for whom they are intended?

.....

"One of the roles of the Authority will be to set forth those needs in the form of written guidelines to the corporation."

The reader will recall that educational programming must meet the

Hans Kratz also corroborated the lack of direction given to

ACCESS:

It is true that they hadn't done a needs inventory—even today—because it is assumed that because they have a large field component, that Alberta Education is sufficiently sensitized to the needs of the field. (Interview, Kratz, April 25, 1983).

Shorter continued his discussion of "Come Alive":

The priorities were very clear for Advanced Education. That is why we started "Come Alive." "Come Alive" was not an instructional sort of series but I believed, and do now, that "Come Alive" was one of the most effective things we ever had . . . to wake people up to the potential of education, almost like drovers . . . our focus was very much adult education . . . Meanwhile we are waiting for these needs to come out of the Department of Education through the Authority and they don't come. And "Come Alive" becomes the most popular television program in its time slot in Alberta. It's incredible! Not only do we take over existing audiences but we create new audiences. It was a highly popular program, but it was highly suspect by a lot of people who believed in structured education . . . When Hohol came in [1975] . . . he expressed his belief that he was one of those people and that became evident both in what the priorities for Advanced Education were, and his attitude toward ACCESS, i.e., "Come Alive." He defined adult education in somewhat narrow terms; said that it had to be credit granting oriented . . . so the result was that the adult education subsidization regulations and stimulation grants that Brian Staples had worked so hard setting up—80 further education councils . . . [Hohol] shot them down. (Interview, Shorter, April 12, 1983)

Brian Staples, the person responsible for setting up the further education councils (to which Shorter referred), had joined ACCESS

definition embedded in the federal "Direction" OC PC 1972-1569 (discussed in the previous chapters). Morton saw this as being the responsibility of the Authority:

"It is assumed that any interpretation of the definition should be done by the Authority which represents those elected by the people of the province who have a constitutional responsibility for education."

to serve as Director of Programs,¹ in what he termed "the formative years" (Interview, June 20, 1983).

I went to ACCESS because I had the perception that ACCESS was a service arm to the existing educational system. That's the perception I was under and that's why I went.

.....

I knew (by the 1st of February, 1975) that there was no way ACCESS was going to be a service arm to anyone. ACCESS had put all its money into this live production called "Come Alive"—in my opinion that essentially killed the whole operation. There was no way we could be a service arm. (Interview, Brian Staples, June 20, 1983)

Morton had made very clear his position vis-a-vis the "service" function of both the Corporation and the Authority. In an early policy document "Alberta Educational Communications Authority" (January 16, 1974) (see Chapter 6), Morton stated:

The roles of the Authority and the Corporation are essentially ones of service to existing educational agencies, institutions and personnel. It is not intended, for example, that the Corporation on its own initiative develop courses or materials that are the primary responsibility of existing Departments, agencies, institutions and associations. However, where institutions and other agencies do not exist, or where existing organizations are reticent, the A.E.C.A. and the Corporation may take a more direct role at the same time encouraging organizational participation and development.

The Authority's first assessment of "Come Alive" was, in Morton's words, "not favorable":

"Come Alive" is an attempt by ACCESS to be visible to most Albertans and to establish a "presence" quickly. Choice of program segments purports to meet the priorities transmitted earlier to ACCESS.

Our information is that almost all "provincial theme" production funds and acquisition funds in the ACCESS budget

¹June, 1974, Dr. Tom Ditzel vacated the position of Director of Program Development. Brian Staples took on the position September 1, 1974. Staples remained with ACCESS only eight months: from September, 1974 to June, 1975.

have been committed to "Come Alive." "Come Alive" seems to be operating as a separate sector of ACCESS.

Program proposals now designated as "provincial theme" cannot be produced (a) because production facilities are tied up with "Come Alive" and local programming, (b) because direct cost funds are committed to "Come Alive." (Morton, AECA Progress Report, October 23, 1974)

In working out the roles and responsibilities of the Authority, Morton had produced a draft for discussion, "Responsibilities of the Alberta Educational Communications Authority" (November 30, 1973), where he stressed the consultation that was to take place between the Corporation and the Authority:

The Corporation may wish to appeal a direction for some reason. In practice I see consultation taking place between the Authority and the Corporation prior to the making of directions.

.

but in the event that the Corporation fails to do something which may be construed as not fulfilling the direction of the Authority. The question arises as to the posture of the Authority under these conditions.

Stated another way, how are the Authority's directions to be enforced? [Emphasis in the original]

Regarding responsibilities having to do with the production, acquisition, distribution and evaluation of Corporation programs (Section 6(1)(b) of the Act) and supervision and/or assessment of programs and materials transmitted through a broadcasting undertaking of the Corporation (Section 6(3) of the Act), Morton made two "crucial recommendations":

First - the supervision and assessment should be related primarily to the definition of educational programming. The position is that the interpretation of the definition from the provinces' point of view is what the Authority says it is rather than what the Corporation says it is. The CRTC may have a different point of view but it is important, constitutionally,

that the provincial government, through the Authority, reserve the right to speak on behalf of the Province as to what education is or is not.

Second - the evaluation of the products of the Corporation is a matter of concern for the Province. The definition indicates that the "acquisition of knowledge or enlargement of understanding of members of the audience", resulting from educational programs, is subject to supervision or assessment by a provincial authority by appropriate means". We are stating in effect that the extent to which the objectives of the programs are met are matters of concern for the Authority. While not all programs will be supervised or assessed the Authority has the right to develop appropriate means to so supervise and/or assess the programs. (Morton, "Responsibilities of the Alberta Educational Communications Authority," November 30, 1973)

It will be recalled from the discussion in Chapter 6, that Morton's early document entitled "Alberta Educational Communications Authority" (January 16, 1974) had made the following points:

1. A direction means a written communication from the Alberta Educational Communications Authority having to do with any matter related to 6(1)(b) of the Act.
2. In the absence of a direction the Corporation acts on its own responsibility.¹
3. The direction from the A.E.C. Authority may be in the form of a set of general guidelines related to any or all of the powers set forth in 6(1)(b).
4. The direction from the A.E.C. Authority may in some instances be in the form of specific requests, recommendations or instructions having to do with any or all of the powers set forth in 6(1)(b).
6. A direction setting forth general guidelines or priorities should arise from the advice from the Program Policy Committee or its sub-committee on Radio. The guidelines,

¹It is of noteworthy interest here to mention that Shorter, during the course of an interview (April 12, 1983), related that it was on the strength of this point that "we ran" with "Come Alive" (since at that time, no "direction" had as yet been issued by the Authority).

when and if approved by the Authority (the Ministers) are passed on to the Corporation through the President.

7. A direction setting forth specific requests, recommendations or instructions pertaining to Section 6(1)(b) may be generated from either Department of Education or from other Department or agency of government. In any case it should probably be submitted to the Authority (the Ministers) for approval and transmitted to the Corporation.

As time passed, Morton's stronger stance with regard to issuing "directions" to the Corporation became evident. ACCESS had been programming "Come Alive" on its own initiative in the absence of formal "directions" from the Authority. Morton asserted his position in a memo to Dr. Worth:

I note that at the April 16 meeting of the Department Council you are asking for A.E.C.C. to outline its "goals, purposes and operation". While this may seem to be a useful preliminary exercise, in my view it is much more important for the Department to make clear to ACCESS its own goals, purposes etc. In other words, the goals of ACCESS must be consonant with the goals of the Department and not the other way around. My position is that ACCESS provides a service. The most important question relates to identifying the needs within the sphere of Advanced Education which ACCESS might be expected to fulfill. (Memorandum, Morton to Worth, Deputy Minister of Advanced Education, April 25, 1974).

The time had come to identify some directions for the Corporation. Morton, always steadfast in his belief that it was the Authority's¹ responsibility (as the representative of the provincial government) to identify educational needs and establish priorities which would

¹ The discussion in Chapter 6 cited Morton's early policy document "The Alberta Educational Communications Authority" (January 16, 1974) describing one of the roles of the AECA as being the following:

"Since the Provincial Government is responsible for education, if a question should arise as to whether some program material is or is not educational according to the CRTC definition, the interpretation would rest with the AECA rather than the Corporation."

be met by ACCESS, stated the following:

[The Department has] . . . the constitutional right, the legal responsibility and in effect what was happening was, we were turning over to a quasi-independent corporation a say as to what education should be. Ontario had done that. The PPAC was that kind of structure that we set up to handle that.

.
The Advisory Committee to me—to the Authority—would develop the guideline concept so that ACCESS would work within the guidelines. (Telephone Interview, Morton, June 15, 1983)

It will be recalled that Section 2(2) of the AECC Act designates the Authority to establish "one or more advisory committees" and "appoint its members." The Policy Planning Advisory Committee was established in accordance with this section.

It was not long after the first meeting of the newly established Committee (held February 6, 1974) that the Committee found its main focus to be concern with Section 6(1)(b) of the Act having to do with "directions"¹ to the Corporation.

These "directions" were to be in the form of "guidelines," according to the Ministers, who anticipated the relationship between ACCESS and the Authority as being consultative in nature:

We anticipate that the relationship between the Authority [and the Corporation] will be through consultation, through the

¹ Shorter pointed out (Interview, April 12, 1983) that in the early years, as the AECA "Prospectus" (September 1973) had clearly indicated, mutual consent and consultation would be the "modus operandi." The "Prospectus" document, however, had noted that while the AEC Corporation Act makes clear the relationship of the Authority to the Corporation as far as certain functions are concerned, the Act had not specified the relationships:

"There are other facets of the relationship which must be worked out in practice. In particular there will be a need to establish what a 'direction' is according to Section 6(1)b—'subject to any directions made by the provincial authority (the Corporation may) produce, acquire, sell, lease, distribute, etc.' . . ."

provision of broad guidelines, through the presentation of program proposals and understandings reached by mutual agreement. (Letter from L. D. Hyndman, Minister of Education and J. L. Foster, Minister of Advanced Education to Pierre Juneau, CRTC Chairman, March 6, 1974)

Consultation and mutual agreement were, however, not to be.

In Dr. Hawkesworth's words:

It became apparent almost at once that unless there were guidelines, these two groups would move off in opposite directions and never get together. (Interview, Hawkesworth, March 24, 1983)

This observation was corroborated by a memo from Morton to Hawkesworth (March 4, 1974):

It comes down to the elemental question—what does the Department of Education want done?

I would strongly recommend that the Department of Education specify now a few basic guidelines to be transmitted to ACCESS through the Authority as soon as possible.

.
In recommending guidelines . . . officially—and making them public, in the sense that the letter will be widely circulated, the Department of Education will be saying clearly that it needs the services of ACCESS and that it expects ACCESS to take these guidelines into consideration in developing programs.

Developing Guidelines

At their inaugural meeting February 6, 1974, the PPAC agreed to provide the Authority with guidelines, which in turn would be transmitted to the Corporation. The Committee requested the two Departments of Education to submit to the Committee "policy preferences and priorities." The AECA Director (Morton) was asked to assemble from the departments, institutions and other organizations represented on this Committee, statements of policy preferences within the field of education. These were to be identified according

to areas of priority in which the programs of ACCESS should be concerned.

But "guidelines" alone were deemed insufficient by the Authority staff, in relating educational needs and priorities to the programming of ACCESS. They sought a more formal mechanism to accomplish this most complex task. In its original form, dated January 8, 1974, this "mechanism" was entitled "Program Proposal Process: A.E.C.A.-ACCESS" and read as follows:

1. The process must be undertaken within the general framework: current mandates of Departments, current government and educational institutional policies which are already described in acts of the legislature, various policy statements, (e.g., the recent Calgary Board of Education statement) A.T.A. professional codes and policies, etc.
2. In addition to these general over-riding concerns there must be an identification by appropriate persons - within the government and outside of the government - of needs and priorities related to educational media. These will be brought together and expressed in guideline form by the Authority's Program Policy Advisory Committee.
3. Suggestions for programs and other kinds of material to be produced, acquired and distributed can then come from any source: individuals or groups inside or outside of education and inside or outside of ACCESS - anybody.
4. Suggestions with Provincial implications are referred to the Authority. We will put them through our own processing to determine how the ideas suggested related to points #1 and #2; whether they are essentially local, regional, provincial or extra-provincial. We will also refer them to specialists within the jurisdiction of the two Departments of Education for comment as well as to other specialists where this seems to be required. All ideas suggested whether we approve of them or not will go to the program development section of ACCESS.
5. ACCESS will then determine which of the suggestions should be developed into a full-scale proposal for production and which could be fulfilled through acquisition from outside the province.

6. Full-scale proposals can be developed by the program development staff of ACCESS by persons employed on a contract basis by ACCESS, by the proposer (school board, university or consortium of agencies). In any case the cost of the proposal should be regarded as a "direct" cost and charged to the "program" whether that program is ultimately produced or not.
7. Program proposals as considered above should include: objectives, content, production mode, research including feasibility studies where required, ancillary material (print) and estimated direct costs of the proposal is to be implemented.
8. Proposals that are developed within ACCESS to serve local or regional needs and which are generally done in co-operation with local educational authorities are produced (or acquired) by the division (North, South or Radio) most directly concerned.
9. Program proposals with provincial implications are sent to the Authority for comment before going to the program section of ACCESS. The appropriate officials within ACCESS decide when or whether a proposal is to be produced and distributed or acquired.
10. Program proposals from government sources go to ACCESS through the Authority.

The above represents the first attempt at what was later to be termed a "Program Decisions Model," the Authority's mechanism for implementing Section 6(1)(b) of the AECC Act.

On January 23, 1974 Shorter reported his Board's response to the Alberta draft decision model (in a letter to Morton):

The Board made a number of specific suggestions and named me as a committee head with power to add, to draft suggestions for alternate models to be approved by the Board, and suggested to the Authority.

Recognizing "the overwhelming importance of such a model in the future operation of AECC," Shorter requested that the Corporation be given time to develop a suggested model for consideration by the Authority.

A Committee of the Board drafted some alternate models, which were subsequently approved by the Board February 18, 1974.

February 14, 1974 Morton wrote to Shorter as follows:

The Program Decisions Model which I originated and which your Board discussed at its last meeting was distributed to members of the AECA Program Policy Advisory Committee at its first meeting on February 6. Following a brief discussion the members of the Committee decided to defer detailed consideration until the model being suggested by the ACCESS Director is also available.

Shorter responded in a memorandum to Worth (February 21, 1974) which indicated that they were "submitting to the Authority a pair of program decision models which our Board prefers to those drafted by the A.E.C.A."

It was then that Shorter made clear his attitude toward a "decision model":

The program decision models now being developed by ACCESS and the AECA are, in fact, extra to the requirements of the Act. As such they serve more as evidence of ACCESS's desire to co-operate, than as proof of the AECA's power to control.

In conclusion Shorter wrote:

You will note that all of these points relate to the matter of our degree of independence. Through discussion, most of them can be clarified quite easily. However, if we are vague about any of these items, or if the assurances ACCESS seeks cannot be given, then our credibility could be in jeopardy. (Memorandum, Shorter to Worth, February 21, 1974)

Morton's view was that since the Authority was empowered, according to Section 6(1)(b) of the AECC Act to issue "directions," this function was best "expressed" by means of guidelines. The guidelines, together with a decisions model, were to be "executed through the Program Policy Advisory Committee" (Telephone Interview, Morton, June 15, 1983).

Brian Staples' interpretation was similar:

The PPAC was the public's representation . . . from the community that was to be served, with which to register their concerns and needs which would set priorities upon which ACCESS was hopefully going to function. (Interview, Staples, June 20, 1983).

By April, 1974, the process of identifying priorities was well underway. An illustration is provided by a memo from Dr. Worth to Morton (April 22, 1974) entitled "Immediate Program Priorities for ACCESS," and Morton's response (April 25, 1974) which indicated that these priorities would be referred to the PPAC at their next meeting, May 10.

Morton informed the ACCESS Board of his advisory committee's activities in an "Information Sheet" (June, 1974) prepared for the ACCESS Board. Mention was made of the PPAC developing guidelines with respect to educational priorities and of ACCESS and the Authority "coming to an understanding" with respect to a "Program Decisions Model." The Authority's role was described as one of "developing an overall communications policy for Alberta."

Morton issued an "AECA Progress Report" (July 4, 1974) which indicated that a sub-committee of the PPAC had been struck, which was preparing the first guideline statement for ACCESS' consideration July 10 (1974).

In the meantime, it was becoming quite evident to Morton that there were many issues beginning to surface concerning the different aspects of the relationship between the Departments of Education, the Corporation and the Authority. In a memo to Hawkesworth (August 29, 1974), Morton flagged the process of "identifying needs" as being of

"paramount concern":

I have been assuming that branches of the Department such as Curriculum, Special Services, Field Services and Early Childhood identify needs as an integral part of their day to day activities. It has seemed to me that officers and field staff within these branches are in the best position to articulate needs. They may need assistance in relating those needs to the potential of broadcast and other media. Here is where the specialists in AV, in the Authority and in ACCESS may come in.

The ordering of these needs into priorities within the Department of Education is also something which, it seems to me, is a normal activity of existing officers in the various branches. Certainly the Minister, the Deputy and his Associates as well as the Directors collectively should be able to pass judgement on what are the most vital problems of education to be tackled.

I should say that a good deal of progress in this regard is being made in early childhood education and as a result of two or three recent meetings they are moving ahead.

There is also, in place, the Radio-Television Sub-Committee working with the Audio Visual Services Branch which can be employed to make this process work.

Certainly the Authority can not of itself pass along guidelines, let alone "directions" to the Corporation without having the basic information upon which those guidelines are based expressed by the Department concerned.

Some progress has been made in working out procedures for preparing proposals and transmitting them to the Corporation. But we in the Authority are hampered by not having sufficient input from the Department.

Morton had worked out a scheme for handling program proposals, which the following memo to Dr. Hawkesworth, illustrates:

Needs and priorities should be identified by Department of Education people, rank ordered, and expressed in as much detail or as little detail as seems appropriate. These should be relayed through the Authority to the Corporation, NOT AS A SCREENING DEVICE but because the Department of Education is not the only section of education using the facilities of ACCESS. Furthermore the Authority can transmit these needs and priorities as "directions" to the Corporation according to 6(1)(b) of the AECC Act. Once these have been established all basic education programs produced, acquired, distributed, etc. by ACCESS should be related to these needs and priorities. (Memo, Morton to Hawkesworth, Deputy Minister of Education, October 10, 1974)

In the meantime, the PPAC completed the first general guidelines in the form of a policy statement which dealt with priorities from the two Departments of Education. In its revised and finally approved (by the Authority) form, it read as follows:

As a general principle, the Authority sees the Corporation's programming in the context of all programming available to the people of Alberta from other sources. Within this general principle the Authority expects that the Corporation will initiate and review its total programming, i.e. via television, radio and other media in terms of the following:

I. FOUR CONTENT AREAS

- 1. Early childhood education
- 2. Basic education - Grades 1-12
- 3. Post-secondary (Higher) education
- 4. Further (Continuing) education

II. THREE TYPES OF PROGRAMS

- 1. Instructional
- 2. Enrichment
- 3. Special purpose

.....

The proportion of programs between these categories should be in accordance with guidelines and priorities to be conveyed to the Corporation by the Authority from time to time.

The above statement was then transmitted formally to ACCESS, accompanied by a letter from Morton to Shorter, dated September 19, 1974. Morton outlined the lines of communication which would be followed in the transmission of such policy statements: from the PPAC, to the AECA, for "transmission to ACCESS." Morton requested a reaction from the ACCESS Board and staff "before any formal decisions are made."

Morton continuously sought the improvement of communications between the Corporation and the Authority. Periodically he would circulate policy statements aimed at role clarification, and reports

of the Authority's activities. To illustrate, the document "Roles and Activities of the AECA" (dated October 4, 1974) outlined the legal basis of Authority activities and powers as specifically related to the terms of the AECC Act. "Progress Reports" were issued monthly in order to keep both the Corporation and the Departments abreast of the Authority's activities. (For example, the October 23, 1974 "Progress Report" referred to the developing status of the Program Decisions Model.) In his attempts to specify the Authority's responsibilities, however, Morton discovered that some areas were not easily defined, and certain boundaries not clearly discernible. In a position paper (Alberta Educational Communications Authority, November 4, 1974), Morton described "the greyest area of all" as that which constitutes "programs and materials of an educational nature." He saw one of the roles of the Authority as being that of developing a definition which:

1. protects provincial constitutional control over education;
2. provides ACCESS with the degree of independence required under current federal regulations;
3. meets the current legal definition of "educational programming." (Morton, Alberta Educational Communications Authority, November 4, 1974)

Similar attempts to improve communications and clarify issues were made on behalf of ACCESS by Brian Staples (Director of Educational Development). His document entitled "ACCESS-AECA, Project Initiation, Approval, Development—Production Evaluation Agreement" (November 1, 1974) was developed as a result of the input and feedback he had solicited from those concerned in the process of developing proposals and projects for purposes of production.

Included with Staples' "Agreement" concerning project completion processes, was an official project suggestion form, the use of which he "encouraged."

Morton explained:

The relationship between ACCESS and the educational community had to be formalized in some particular sense. It could not be in any rigid fashion but it had to be formalized in the sense that the educational community had to have a representative voice that it could say to the organization, these are the things that we want you to do. . . . These are the things that are high priority in education. This was my philosophy. This is what I tried to have the PPAC do so that it was . . . not something dictated . . . so that it was not Government itself . . . mind you . . . Government had the constitutional and legal responsibility . . . we have to be clear . . . this is the dilemma when you have an "arms length" Corporation. (Telephone Interview, Morton, June 15, 1983)

The Authority's role interpreted in accordance with Section 6(1)(b) of the AECC Act, was to issue "directions to the Corporation." Morton's continuous efforts to clarify the Authority's role were motivated by a desire to find the most acceptable means of transmitting such directions.

There had to be a channel, or a funnel through which these [needs] are identified . . . crystallized into a guideline document, so that when ACCESS producers said "what kind of things should we do?" we could say, "this is the kind of thing you should do." It was a pattern, as far as I was concerned, even before the Corporation . . . I felt there had to be some device of that particular sort. (Telephone Interview, Morton, June 15, 1983)

Finally, after several drafts (the last draft dated October 23, 1974), the Program Policy Advisory Committee's Guidelines were available for ratification. These "Guidelines" were submitted in their final form to the Ministers early in February, 1975. The Ministers, in turn, forwarded the Guidelines to ACCESS, February 28, along with a letter of "transmittal" requesting that a reaction be

submitted.

At this point in time, Morton described the Authority's relationship with ACCESS as being "in general . . . very good" ("AECA Progress Report," February, 1975). He was in "constant touch" with Shorter and Brian Staples, the meetings with Staples being held regularly "in order to discuss program policy and procedures related to the review of program suggestions and proposals."

Whether the relationship with ACCESS was in fact "very good" is a matter of conjecture, for although the Guidelines were officially forwarded to ACCESS in February, 1975, they were not acknowledged by the ACCESS Board for many months to come. At its July 8, 1975 meeting the Program Policy Advisory Committee recommended to the Authority that it request from ACCESS the following, to be reviewed prior to October 1, 1975:

- A. Information regarding how the program activities of ACCESS in 1974-75 conform with the program guidelines forwarded to ACCESS in February 1975.
- B. An analysis of how the programming plans for 1975-76 conform to the guidelines forwarded on the aforementioned date. (Minutes of PPAC meeting, July 8, 1975)

In addition, the minutes reported that formal negotiations with ACCESS had "resulted in general acceptance" of the program decision model to be used as a rough working arrangement. A more formal model was to be negotiated. Morton was instructed to prepare and bring to the next meeting "a mutually agreeable Program Decisions Model for ratification by the Committee."

Morton's repeated reminders to ACCESS regarding a report were apparently ignored, for Morton finally documented the following

request in a letter to Shorter, written August 25, 1975:

We would appreciate receiving a report from you by the end of October which would include information relating the various programming activities of the Corporation during the program year 1974-75 to the Program Policy Guidelines together with a review of program planning for 1975-76 to show how in general, the planning may be influenced by the Guidelines.

Morton posed the question yet again, in a subsequent letter to Shorter, September 8, 1975 which read:

Last February 28 the Alberta Educational Communications Authority transmitted to you Program Policy Guidelines (February, 1975). The Ministers comprising the Authority have expressed interest in knowing how the Corporation sees its programming activities as these relate to the Guidelines.¹

Alan Robertson described the lack of communication at that time:

Their [the PPAC] problem, I guess was that in terms of the relationship between the Authority and ACCESS and its Board of Directors, was that it was strained all the way through that period . . . they would request information of ACCESS and ACCESS would resent them requesting that information. (Interview, Robertson, April 2, 1983)

In the meantime, Shorter was making his own attempts to improve relationships. A letter to Hawkesworth (dated August 7, 1975) requested that "liaison structures" be set up with the Department of Education and ACCESS. These "liaison structures" Shorter envisaged as comprising "decision-makers who could speak on behalf of the Department with a reasonable degree of certainty." Shorter

¹The ACCESS "Report on the Alberta Educational Communications Authority Program Policy Guidelines and Their Impact on the Programming of ACCESS" was finally forthcoming, accompanied by a letter to Morton from Shorter, November 6, 1975. The Report was formally acknowledged by Morton, December 17, 1975, subsequently discussed by the Authority's "executive committee" (see next section), and referred to the PPAC. The Authority staff were asked to review the Report in detail, and make recommendations to the PPAC at its next meeting.

elaborated:

We recognize that the ACCESS Board of Directors on the one hand and the Ministers of Education on the other, are the final decision-makers . . .

.

The Liaison Committee would be the focal point of all communication and business matters between our two organizations. Unresolved conflicts (if any) would be referred to you and to me jointly for solution.

A liaison committee was never formed. Shorter tried a different approach:

Last February I was instructed by our Board of Directors to enquire why ACCESS has no direct input to the AECA Program Policy Advisory Committee, and to request observer status¹ for all or part of the meetings of that committee. . . . I wish to raise it again officially. . . . and I request that you place the matter before the Minister.

I feel your committee would benefit from the opportunities we could provide for direct information on our activities, and our rationale for these activities. (Letter, Shorter to Morton, October 28, 1975)

A newly appointed assistant to Dick Morton, Vi Sunohara, complied with the PPAC's request to review the ACCESS "Report on the Alberta Educational Communications Authority Program Policy Guidelines and Their Impact on the Programming of ACCESS." Sunohara's "Response to Report on the AECA Program Policy Guidelines vs ACCESS Programming" (November, 1975) identified a number of problems:

We have found that ACCESS does not always seek the advice of personnel with special responsibility in the areas covered by the programs.

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¹Shorter was apparently successful in this regard, for a perusal of subsequent PPAC minutes revealed that Shorter (and/or his designate) attended the latter segments of many PPAC meetings.

Should ACCESS be seeking the advice of people in the Department of Education with regards to specific program needs?¹

Another related problem had to do with the "flagship" program

"Come Alive":

It appears that keeping "Come Alive" alive has been a very heavy responsibility and in doing so a great deal of ACCESS time and energy is spent to meet the "on air" demand.

Once the Program Policy Advisory Committee (PPAC) had completed and transmitted the 1975 Guidelines, it began to channel its energies elsewhere.

A memo to Koziak, Hohol, Hawkesworth and Worth from Morton dated September 12, 1975 indicated that the Committee was "at present reviewing a number of studies² which may exert an influence on any future recommendations for revision of the guidelines." In addition, the Committee "is interested in the procedures through which program proposals must pass in order to be acted upon by ACCESS.

The "procedures" for handling program proposals were, however,

¹The "Response," however, hastened to add that some very positive relationships had been established with the "new and highly competent staff" of ACCESS (Brian Staples and "Chuck" Williams) who had pledged their assurance that "every effort would be made to comply with the Program Policy Guidelines." These staff people "are prepared to work out a more complete mechanism for exchange of information between AECA and ACCESS."

²By the Spring of 1975, three evaluation studies were underway:

1. An inventory of ACCESS programming activities (related to the Program Policy Guidelines) (Al Machinski)
2. A study of "Come Alive" (Ralph Clintberg)
3. A study of CKUA programming (Ron Zapisocki).

These were published in July, 1975. In addition, the Miller Cable study, "Alberta Cable TV Studies," research report was completed in December, 1976.

not working satisfactorily. Morton expressed his concern to Shorter in a letter dated September 19, 1975:

We are much more concerned when program project proposals are put forward which do have high priority according to the Program Policy Guidelines and are rejected or deferred by ACCESS in favor of programming which we have given a much lower priority.

In October 7, 1975, a sub-committee of the PPAC submitted a document to the Authority, entitled "Proposed Recommendations Concerning ACCESS Programming." One of the recommendations read as follows:

That in the interest of ensuring that the Program Policy Guidelines (February, 1975) are constantly reviewed; ACCESS be required to provide to the Authority a formal report on all educational programming by May 1st and November 1st in each year. These reports along with information obtained from other evaluative procedures would form the basis for any alteration to the Program Policy Guidelines. The Corporation would be notified by the Authority of any alteration to these guidelines by July 1st of the year.

There was no doubt that the Committee (then chaired by Betty Garbutt) was becoming increasingly aggressive in terms of fulfilling its mandate.¹

Alan Robertson, who succeeded Garbutt as Chairman of the Committee, reminisced:

The PPAC was not only involved in program policy, that is to say what the content was, but also in . . . broad policy . . . Dick Morton was always there as a resource person. Although he was not the Chairman, . . . the agendas will show this. When any matter of significance was being discussed it was always Dick's leadership that gave the Committee the guidance as to which way . . . (Interview, Robertson, April 2, 1983)

¹It will be recalled that the mandate of the PPAC was to advise the Authority regarding the issuance of "directions" to the Corporation.

By October 14, 1975, a PPAC document entitled "The AECA-PPAC Forecast of Priorities, 1975-76" recorded the Committee's activities as follows:

The Advisory Committee has concerned itself for the most part with three major policy matters:

1. Statement of guidelines and priorities (February, 1975)
2. Procedures for dealing with program proposals (negotiations on model)
3. Evaluation of ACCESS programming activities (General, "Come Alive", ACCESS Radio).

One of the primary priorities to be considered in 1976 was stated as being that of a revision of guidelines and priorities to be completed by April, 1976, including firm procedures¹ related to program proposal decisions.

The Committee set to work to devise a model which would guide the procedures for handling program proposals.

Morton explained the need for these procedures to Chuck Williams, the newly appointed Vice-President of Programming for ACCESS.

The Authority from the outset has indicated to the Corporation that it would prefer to work out arrangements which have the effect of relating the programming of the Corporation to the educational needs and priorities of the Province without the necessity of frequent directives. In practice this has followed two routes, (1) the formulation of a document by the Authority which will set out guidelines for the Corporation to follow and, (2) the development of a Program Decisions Model. Several of these have been drafted since the Corporation was formed and except for one or two points of disagreement (eg. (1) the status of locally initiated programs, and (2) the appeal procedures) we have worked out acceptable arrangements. (Memo, Morton to Williams, September 15, 1975)

This memo illustrates Morton's continuing "consultative" approach

¹It was these "procedures" that came to be known as the "Program Decisions Model."

with the Corporation, or what Kratz (Morton's successor) termed "operating on a faith or trust model" (Interview, Kratz, April 25, 1983).

Morton was consistent in his interpretation of Section 6(1)(b) of the AECC Act, empowering the Authority with its mandate. Morton never wavered from the strongly held principle that it is the provincial government's constitutional right to maintain control of the content of educational programming.

Morton briefed his new Ministers¹ on this matter:

The role of the Authority, although it has the power to issue directives if it pleases, essentially . . . serves as a link, a catalyst—between the government departments most concerned with education, and ACCESS as a statutory corporation. It develops procedures for providing guidelines to ACCESS and in general relating what educators need and want to what ACCESS delivers. (Memorandum from Morton to the Hon. J. Koziak, the Hon. B. Hohol, Dr. E. K. Hawkesworth and Dr. W. Worth, September 12, 1975)

Morton firmly believed that both Guidelines and a Decisions Model would relate "what educators need and want to what ACCESS delivers." He clarified this for his advisory committee, the PPAC, as follows:

"Directions" here [in the February 1975 Guidelines] have been interpreted up to now as guidelines rather than specific directives set forth from time to time by the Authority.

"Supervision and assessment" implies more than "supervision and assessment" in the CRTC definition. (Morton, "Notes on Suggested Mandate for PPAC—dated November 1975")

¹ Following the 1975 (Spring) election, there was a change in portfolios of the Ministers. The Hon. Julian Koziak became Minister of Education and the Hon. Bert Hohol, Minister of Advanced Education and Manpower.

The Executive Advisory Committee

At this juncture, mention should be made of the gradual change in the operating procedures of the Authority.

As time passed, it was becoming evident that, increasingly, responsibility for the Authority was being delegated to the Deputy Ministers. An "Executive-Advisory Committee" comprising the two Deputy Ministers and the Director of the Authority was formed early in 1974, but did not become fully operational until after the 1975 election.

It will be recalled from the discussion in the preceding chapter, that in the early days, during the period of the drafting of the legislation which created the Corporation (and so the Authority), Morton had been given privileged access to the Minister (the Hon. Lou Hyndman). This was corroborated by Morton's successor, Hans Kratz: "Morton had complete access to Lou Hyndman—he went straight there, bypassing the Deputy Minister who was running the Department" (Interview, Kratz, April 25, 1983).

This situation changed with the change in the Ministry. In Morton's words:

In order to see him [Koziak], I had to cue up sometimes for days and even weeks. When I took the problem to the two Deputies [Worth and Hawkesworth], Wally [Worth] came up with the idea that maybe we could establish an Executive Committee . . . and then anything we might think needed doing . . . we might do. (Telephone Interview, Morton, June 15, 1983)

In contrast to Morton's very limited access, Shorter (through O'Byrne) had direct access to the Ministers. Mr. Justice Michael O'Byrne, the then Chairman of the ACCESS Board, elaborated:

We would go directly to the Ministers and talk to them in a crunch . . . and we did, about twice a year. We had an understanding that we wouldn't come unless it was urgent. To my mind and the way we put it to them, they were not the Authority,¹ even though they were in statute. They were two Ministers of the Crown who have other kinds of responsibilities that are political. There is a very subtle difference. We didn't think of the Ministers as the Authority . . . that's just nonsense. We thought of them as Ministers.

.

But when the Authority people started telling us what to do then we said you don't have the authority. . . . ["and O'Byrne would go directly to the Minister," Shorter added]. (Interview, Shorter and O'Byrne, April 12, 1983)

The Executive Committee was formally acknowledged in a memo to Hawkesworth and Worth, sent by Morton, October 30, 1975. The memo stated the following:

It has been difficult in the past few months, for a variety of reasons, to deal with certain matters related to the work of the Authority. The time which the Ministers have been able to spend on Authority matters has been severely limited. It has been suggested by Mr. Koziak that a set of operating procedures be drafted which will enable the work of the Authority to go forward with the Ministers being involved only in matters of general policy and when the Deputy Ministers have agreed on the direction to be recommended.

Morton then went on to state the following procedures:

1. It is suggested that an Executive Committee of A.E.C.A. be formalized.
2. It should consist of the two Deputy Ministers and the Director of A.E.C.A.

Morton projected that the effect of these procedures should be:

- (a) - to reduce the time the Ministers devote directly to A.E.C.A. matters;
- (b) - to reduce the number of memoranda directly to the attention of the Ministers;
- (c) - to speed up decisions affecting the operation of A.E.C.A.

¹Earlier in the interview, O'Byrne had shared the following view concerning his perception of the Authority: "[The PPAC] group . . . the [Department of Education] group were the Authority as far as we were concerned . . ."

The Executive Committee was formalized by the Minister in a memo (from Hohol to Morton, dated November 10, 1975) which read as follows:

I have discussed the matter with Hon. J. Koziak and we are agreed that you proceed with the Executive Committee of the A.E.C.A. consisting of the two Deputy Ministers and Mr. Morton making decisions in certain areas . . . without referring to the Ministers for ratification. Other areas as you suggest would be referred to the Ministers.

As Deputy Minister of Advanced Education, Dr. Worth was part of the Executive Advisory Committee. Dr. Worth confirmed the Committee's function: "In actual fact the two Deputies became the Authority. They met frequently and made the decisions and the Ministers usually ratified them" (Interview, Worth, April 4, 1983).

As Deputy Minister of Education, Dr. Earle Hawkesworth held the following view:

The Executive [Advisory] Committee formed almost immediately . . . The day to day administration of the Authority was automatically turned over to the Committee, but the actual supervision of the administration of the Authority rested with me, . . . [The Minister of Education was] "lead Minister"¹ because it was under the Department of Education's budget. . . . The Advisory Committee—the two Deputy Ministers and Morton (he was there without voting powers . . . to give us advice). We didn't make decisions except on the basis of policies that had already been established (any policy changes had to be taken to the Ministers). It is vital to understand—the Ministers (i.e., the Authority) make the policies. Implementation of the policies was the function of the Authority. It was never a part of the ACCESS

¹The concept of "Lead Minister" was explained by Larry Shorter (Interview, April 12, 1983):

"It was a matter of who answered in the House . . . the Ministers took turns for two years . . . it was Hyndman who was responsible for the first two years, then it shifted over to Foster . . . then when the next election came along and the Ministers changed, it was Koziak who was responsible for the first two years, then it switched to Hohol."

Board's function. Over many, many months certain Guidelines were developed in consultation with ACCESS and the Ministers . . .

As Deputy Minister, my function was to advise the Minister relative to the needs of education via media and to try to provide back to my Minister the kind of information as to how successful we were being in that regard. I never had any feeling that I had any responsibility for the operation of ACCESS.¹ (Interview, Hawkesworth, March 24, 1983)

From the Corporation's perspective, however, the Authority and its advisory committees were viewed as threatening the Corporation's independence. This central issue will be address in the section which follows.

The Issue of Independence

Some of us saw ACCESS as being a quasi-independent Corporation and at that time would use the CRTC and anybody we could think of to show a need for bolstering the arms-length relationship. (Interview, Dr. Walter Worth, March 12, 1983)

As has already become evident from the previous discussion, the issue of "independence" had surfaced very early, even while the Corporation was in its formative stages. Once it became fully operational, however, the "independence" of the Corporation became an issue of central importance. The strong stance the Corporation was prepared to take was articulated by Shorter: "Our Chairman, Mr. Justice Michael O'Byrne, and his Board of Directors intend to assert their independence when necessary" (Letter, Shorter to A. C. Williamson, CRTC, January 12, 1974). And assert their independence

¹During the course of the interview, Dr. Hawkesworth added the following:

"We did have a representative on the Board. A responsible person, the Assistant Deputy Minister [Dr. J. Hrabí]. It was my opinion that he could quite well represent the thinking of the Department of Education as far as the Board was concerned."

they did!

The period that followed could probably best be described as a "battle for independence," the battleground being the issue surrounding the interpretation and application of the word "directions" in Section 6(1)(b) of the AECC Act. In O'Byrne's own words:

The problems we had over the first Guidelines! . . . Hyndman had indicated the word "directions" could be changed to "guidelines" . . . for maybe a year and a half we were consumed with [them]. It will tell you how fiercely ACCESS was seeking to be independent . . . and we fought them to maintain our independence for two reasons: one, "the feds." The other was, we think we were doing a damn good job. Is that fair? (Interview, O'Byrne and Shorter, April 12, 1983)

Shorter continued:

There is one thing that should be understood here. The ACCESS Board was unanimous in its stand—not even 14 to 1 but 15 all the way down the line (even the Government reps) in total support of me, of Michael's stand—we were acting for the Board regarding the whole matter of the erosion of our independence by the Authority, of its attempts to control . . . Not the least of the problems was the incredible bureaucratic snarl . . . and the amount of energy, money and time we were spending—it was inconceivable! It was just totally draining. It was all consuming for a year and a half. The Board was totally united in that . . . that is an important point. ["Directions was the operative word," added Mr. Justice Michael O'Byrne.] (Interview, O'Byrne and Shorter, April 12, 1983)

Shorter continued:

In the original letter of support to our application (at our first CKUA hearing) Hyndman and Foster's letter, that "seminal document" defining what 6(1)(b) means [Section 6(1)(b) of the AECC Act], there is one particular paragraph there . . . which relates to the nature of the structure. (Interview, O'Byrne and Shorter, April 12, 1983)

Reference was made, in the preceding chapter, to what Shorter termed this "seminal document," which indicated the sensitivity of the Minister to the issue of independence:

Any directions given by the Authority to the Alberta Educational Communications Corporation will enable that Corporation to exercise as much freedom within its educational programming responsibilities as it will be given as a broadcast license holder under the terms of your direction.

Particular reference might be made to two sections of the Act setting up the Corporation: Section 6(1)(b) in our view is solely concerned with programs and materials of an educational nature. Our interpretation of Section 6(3) is that it is consistent with the definition of educational programming contained in the federal direction to the CRTC.

We anticipate that the relationship between the Authority and the Alberta Educational Communications Corporation will be expressed through recommending broad guidelines related to educational priorities, through the giving of advice on program proposals, and coming to additional understandings reached by consultation and mutual agreement. (Letter to Pierre Juneau, Chairman, Canadian Radio-Television Commission from Louis D. Hyndman, Minister of Education and James L. Foster, Minister of Advanced Education, March 6, 1974)

In an effort to come to an understanding by "consultation" and "mutual agreement" an attempt was made to arrive at a formal "agreement." In a letter to Larry Shorter (March 26, 1974), Morton confirmed previous verbal understandings with respect to how Section 6(1)(b) of the Alberta Educational Communications Corporation Act could be applied:

Attached is a written statement of our understanding with respect to this section. We are prepared to incorporate these statements into a formal agreement between AECA and ACCESS in order to clarify the relationship implied by this particular section of the Act.

Shorter wrote to the CRTC's legal counsel, Chris Johnston (March 26, 1974), declaring the Corporation's intention to come to an "agreement" with the Authority with regard to the application of Section 6(1)(b) of the Act.

The two chief executive officers, Shorter and Morton, set to work in consultation with their respective solicitors, to draft

an "agreement."

October 15, 1974, Larry Shorter communicated, once again, with Chris Johnston, the legal counsel for the Canadian Radio-Television Commission:

Further to our telephone conversation of today, attached is a copy of the Alberta Educational Communications Corporation's understanding concerning application of Section 6(1)(b) of our Act.

You will note the concluding paragraph of Mr. Morton's letter [March 26, 1974] expresses the Authority's willingness to conclude a "formal agreement" incorporating these statements. We feel the attached letter is formal enough, but if you think something more imposing is necessary, we are quite willing to do so.

Johnston responded (October 18, 1974) that it would be "a good idea to formalize and define a little more precisely the relationship of the two bodies under Section 6(1)(b)." In addition, Johnston suggested that the word "directions" be defined in the agreement "in such a way as to establish some independence of the Corporation" (Letter to Shorter from Johnston, October 18, 1974).

A discussion of this issue during an interview with Glen Acorn, the Alberta Government's legal counsel, revealed the following:

It was 6(1)(b) the CRTC fussed about . . . they put the heat on us. Then there was a meeting where Chris Johnston laid out . . . we'd have to change. (Interview, Acorn, June 9, 1983)

The meeting to which Acorn referred was held in early January, 1975.

Morton met with the CRTC legal counsel, Chris Johnston. Morton summarized their discussion for Hyndman in a memo dated January 13, 1975:

Mr. Johnston feels that the A.E.C.C. Act should be re-worded particularly the 6 1(b) clause which begins "Subject to any directions etc. ."; and the Section 6(3) which says that

"programs and materials transmitted through a broadcasting undertaking of the Corporation are subject to supervision or assessment or both by the provincial authority".

Morton felt it was time to "re-evaluate the wording of the AECC Act," in the light of "the 15 months experience we have had":

Any re-wording should make clear that, in the final analysis, the Corporation decides what should or should not go on the air. The issue is essentially one of independence from political interference but is also one of legal responsibility which is not ambiguous.

Morton then went on to identify the real issue:

However, apart altogether from the CRTC's control—real or nominal—constitutional or not—there is the more fundamental question of the provincial government's control over ACCESS. It is this that must be determined before we agree to amend the Act to suit the concerns of the CRTC. . . . (Memo, Morton to Hyndman, January 13, 1975)

Morton's AECA Progress Report (February, 1975) reported that Chris Johnston, CRTC legal counsel, had suggested that a change in the Act should be considered in order to "clarify the limits of control of the A.E.C.A. over day-to-day programming."

In an effort to clarify these limits of control, Morton continued his consultation with the Attorney General's Department. A memo to Ms. Pat Dawson, Solicitor, Attorney General's Department (February 12, 1975), revealed the following:

I have discussed your memorandum with Mr. Hyndman and he has asked me to request that you draft a suggested amendment to the present Act which would take care of the situation. I have also asked Mr. Acorn for his opinions.

Mr. Hyndman indicated that any amendments to the A.E.C.C. Act might be made at the fall session but certainly no later than spring 1976.

Attached is a revised statement of A.E.C.A. roles and activities.

The ACCESS Board had taken the initiative in having their legal counsel, Jack Kennedy, draw up a formal "Agreement." The Authority's legal counsel, Glen Acorn, however, pronounced the "Agreement" "ultra vires":

My view at first blush is that the agreement is invalid as being repugnant to section 6 (1) (b) of the Act. The Legislature in enacting section 6 (1) (b) has given the Provincial Authority the sole power to give the directions. I do not see how the Provincial Authority can somehow bind itself and its successors under an agreement which purports to restrict the scope of that power. I fail to see how, in view of the wording of section 6 (1) (b), the Corporation would ever be in a position where it could refuse to comply with a direction.

I suggest that sections 5 and 6 of the Agreement in particular are wholly invalid as an attempt to effect an amendment of the Act itself since the power to give directions resides exclusively in the Provincial Authority by statute. I fail to see how an agreement could somehow transfer the power to the Lieutenant Governor in Council or to a Committee of the Assembly or, indeed, to a Judge of the Supreme Court of Alberta. I am really puzzled as to how any court can have jurisdiction other than what it derives from statute or from the common law. I do not see how two parties can, by agreement, appoint a Judge of the Supreme Court of Alberta as persona designata to act as an arbitrator in the case of a disagreement between them unless such an agreement were authorized by statute. You and I cannot by agreement give a Supreme Court judge appellate jurisdiction in a matter affecting us and I don't see how the position is any different with respect to the corporation and the Authority. . . .

Specifically, I feel that there is no question that the Provincial Authority may give directions to the corporation under section 6 (1) (b) and that it may, pursuant to section 6 (3), supervise or assess programs and materials transmitted through a broadcast undertaking of the Corporation. (Memo from Glen Acorn, Legislative Counsel, Attorney General to R. A. Morton, Director, AECA, February 27, 1975)

Meanwhile, the Corporation was still pressuring the Authority to "conclude an 'Agreement'":

Our point is that we are prepared to conclude an agreement separate from the Act so as to satisfy the CRTC in our next appearance, rather than to continually be on the defensive.

We certainly agree that an amendment to the Act would be

preferable—but that is a long time to wait. Meanwhile, the CRTC is pressing us for formalization of the March 26, 1974 memo from you which ends with your offer to complete such an agreement.

If your legal counsel disagrees, may I suggest that your legal counsel and our Chairman arrange to meet so as to examine the two arguments. (Memo, Shorter to Morton, February 15, 1975)

Morton's AECA Progress Report (March, 1975) reported the Corporation's concern with the issue of independence:

The basic concern from its [ACCESS] point of view, is the degree of independence it has. In this connection ACCESS is asking for

- (a) a formal agreement between A.E.C.A. and ACCESS setting out clearly how the "directions" will be applied: and/or
- (b) an amendment to the Act which will "soften" the control implied by the use of the word "directions".

Underlying all of this, in Morton's view, was a deeper issue: the question of "who really controls education" (AECA Progress Report, March, 1975). Morton summarized the dilemma as follows:

The Authority must decide to retain the present wording and by doing so possibly put in jeopardy the chances of ACCESS receiving future new licenses or renewals of present licenses, OR to soften the control word "directions" in the Act.

During an interview, Morton described this dilemma:

It was kind of walking a tightrope in order to satisfy the situation of the moment . . . The Ministers were pushing in one direction . . . ACCESS, the other . . . to try to satisfy the needs of both . . . (Telephone Interview, Morton, June 15, 1983)

It soon became obvious that Morton had made a choice. The position he chose to defend rested, of course, on the fundamental principle he had always held: that of the provincial government's constitutional right to control the content of educational programming. He issued a "Statement of Independence of A.E.C.C. (ACCESS)" (May, 1975) which he circulated with his May, 1975 "AECA Progress Report." The Statement's concluding paragraph read as follows.

My thesis, in summary, is that the independence of the ACCESS Corporation is an issue secondary to its mandate as a producer, acquirer, distributor of educational materials. It would follow then that the Government should not soften its position with respect to the clause in the A.E.C.C. Act 6(1)(b) but should exercise the powers given under the Act - indirectly or directly - to ensure that ACCESS responds to real educational needs of the people of the province.

Morton reiterated this sentiment in the June, 1975 "AECA Progress Report":

Mr. Shorter continues to insist that the CRTC is apprehensive about the controls implicit in the A.E.C.C. Act and wishes some tangible reassurance that ACCESS is indeed independent.

.....

We need to take an official stand on the "independence" of the Corporation.

Morton went on to describe his perception of the relationship of ACCESS to AECA:

. . . this relationship can be considered in three ways:

1. The relationship having to do with the licenses granted by C.R.T.C. Mr. Shorter continues to insist that the C.R.T.C. is apprehensive about the controls implicit in the AECC Act and wishes some tangible reassurance that ACCESS is indeed independent.
2. The relationship having to do with the AECC Act which sets forth a number of responsibilities for both the Authority and the Corporation.
3. The de facto day-by-day relationship which is manifest in conversation, meetings both formal and informal, correspondence, etc.

In order to satisfy the CRTC of the Corporation's "independence,"

Morton recommended that the following position be adopted as the "Authority position" with respect to this issue:

The A.E.C. Authority believes that the present wording of the A.E.C.C. Act (1973) grants the Corporation a degree of independence sufficient to satisfy the Canadian Government's direction to the CRTC with respect to the holding of broadcast licenses by provincial corporations.

Should the CRTC have concerns with respect to the independence of the ACCESS Corporation these concerns should be expressed in writing and directly to the Authority. (AECA Progress Report, June, 1975)

Over the summer, the discussion continued regarding the conclusion of a formal "Agreement." The possibility of its realization was finally laid to rest by the Ministers, in the Fall of 1975:

After drafting above and considering the possibility of a formal agreement we were advised by Mr. Acorn that an agreement would have no effect in law because in the event of a dispute the court would go to the original Act. Mr. Hyndman and Mr. Foster decided "independence" must therefore relate to behavior rather than any formal agreement. (Memo from Morton to Koziak, Hohol, Hawkesworth and Worth, September 12, 1975)

The Honourable Lou Hyndman offered the following explanation for doing away with a formal "Agreement":

The word "Guidelines" is the key one because that was the general approach. When you start putting these things on paper it's sometimes very hard . . . because you preclude other things if you put some things down.

It may have been that some people needed convincing that an agreement was not the way to go, so we had one [an agreement] drawn up and see what would happen . . . it's very difficult . . . The best thing is, if you have people who are like-minded as to the general mandate and thrust that you are going on, and who are intelligent and prepared to compromise and understand the other point of view, and have the right motives, you can work anything out. That's the way it works. (Interview, Hyndman, April 14, 1983)

Meanwhile, the battle continued to be waged. The Honourable Mr. Justice Michael O'Byrne, Chairman of the ACCESS Board, admitting that "I love a good fight" (Interview, April 12, 1983), communicated with the CRTC's legal counsel, Chris Johnston (September 4, 1975). Johnston replied as follows:

You will have noted by the wording of the Order in Council [PC 1972-1569] that the role of the provincial authority is limited to the supervision or assessment of the effects of the programming of the independent corporation on the members

of the audience to which it is directed. The Order in Council does not give the provincial authority a direct power over the programming but rather a power to determine whether the programming is in fact resulting in the acquisition or improvement of the knowledge of the audience or the enlargement of its understanding and to this limited extent a supervisory power is given as well. This is the crux of the Commission's difficulty with Section 6(1)(b) of the Act which on the surface appears to give the provincial authority overriding control of the programming activities of the Corporation.

.....

While I would be very pleased to see an agreement along these lines between the Corporation and the Authority, I still have the concern that an agreement of this type cannot override the provisions of the Act. As we have previously discussed, the best solution to the problems raised by Section 6(1)(b) is an amendment to the Act. If it were possible to arrive at an agreement satisfactory to all parties concerning the scope of the directions that could be given by the Authority, the Act could be easily amended to define the term "Directions" in accordance with the agreement. (Letter, Johnston to O'Byrne, October 16, 1975)

November 7, 1975, O'Byrne telephoned Morton to relay Johnston's suggestions. Morton reported the call in a memo to his Ministers and their Deputies, which read as follows:

This morning Judge O'Byrne called me concerning the possibility of resolving the issue surrounding the interpretation and application of the word "directions" in 6(1)(b) of the A.E.C.C. Act. Apparently CRTC counsel is again raising the matter as a possible impediment to the granting of future licenses to ACCESS.

The upshot of the conversation was that ACCESS will officially transmit a request to the Authority to have the preamble to the A.E.C.C. Act amended to include a definition of the word "directions" among the other definitions. ACCESS will propose a definition in the letter transmitting the request and will also include a copy of the letter from the CRTC.

I asked that the request reach the Authority well before our Executive meeting scheduled for December 2.

The purpose of this memorandum is information just in case some questions might be raised through the Ministers' office.

Within a few days, Shorter did in fact communicate with the Minister, as Morton had predicted:

Because our individual programs are "subject to assessment" by the AECA (according to Section 27 of the Broadcasting Act, Canada) . . . but perhaps "subject to" does not mean "responsible for" (Letter to Koziak from Shorter, Hohol and Morton, November 10, 1975)

December 1, 1975, The Honourable Mr. Justice Michael O'Byrne stated the following in a letter to Morton:

As you are aware, the C.R.T.C. has always expressed concern with respect to the independence of Access. The issue arises over the interpretation of the word "Direction" in Section 6(1)(b) of the creating statute.

You know that we drafted a proposed agreement with respect to appeal procedures in the event a problem arose between the Authority and the Corporation. Everyone concerned has expressed doubts about the legal validity of this approach. The doubts are well founded in my opinion. However, we were only trying to produce an acceptable 'political' solution to the problem.

O'Byrne then went on to refer to Johnston's letter (October 16, 1975) cited above, regarding the definition of the word "direction." It was O'Byrne's opinion, that the draft agreement contained "the substance of what might be an acceptable definition of the word 'direction.'"

O'Byrne made mention of a meeting that was to be held with the Deputy Ministers, December 2, 1975. O'Byrne requested that amendment to the Act, which incorporated a definition of "directions," be considered.

The letter concluded with an official request to the Authority on behalf of the Board, that Morton "take the steps necessary to permit the Act being opened up for the next sitting of the Alberta Legislature."

The Executive Committee reacted quickly. A letter (dated December 5, 1975) was sent by Morton to legal counsel, Glen Acorn, which indicated the following:

The Deputy Minister of Education and the Deputy Minister of Advanced Education and Manpower, acting as an executive committee of the Alberta Educational Communications Authority, have authorized me to explore with you the possibility of a simple amendment to the A.E.C.C. Act which would incorporate a definition of "directions".

In a memo to Hawkesworth (December 2, 1975), Morton had expressed concern lest the as yet unclarified role of the Authority, regarding the matter of "directions" and "independence," remain unresolved. Before long (Spring, 1976), the CKUA licence renewal application was due to be heard by the CRTC at their public hearing.

Morton requested clarification from legal counsel, Glen Acorn, regarding the definition of "directions" (January 12, 1976) in order that re-wording of Section 6(1)(b) might be considered. In a more detailed letter which followed a week later (January 19, 1976), Morton shared his interpretation of this clause, and stated his preferred course of action to Acorn:

The Corporation is judged to be independent if "the Canadian Radio Television Commission is satisfied it is not directly controlled by Her Majesty in right of a province ---."

The CRTC was sufficiently satisfied to grant licences to the Corporation based on the present Act, the wording of which was reviewed by CRTC Counsel before it was passed. While some reservation was expressed about the wording, nevertheless the licences were granted.

The second condition provided for is that the Corporation must be designated by statute or O/C (ours is by O/C) for the "purpose of broadcasting the following types of program ---.". There follows the definition of programming which obviously relates to education but does not mention the word "education" except rather innocuously in part (b). We have made it clear that we interpret the definition as one pertaining to education

by designating the two ministers of education as the "provincial authority" referred to in part (a).

My interpretation of the above is that the Corporation could lose its licence if in the judgment of the CRTC it (1) ceased to be independent; (2) did not broadcast the types of programming defined.

However, A.E.C.C. was set up not only to fulfill the conditions of PC 1972-1569, but it was also given certain powers beyond those conditions. These are encompassed in 6 (1) (b) and the powers are "subject to any directions by the authority . . .".

We have interpreted this clause as one of last resort. Since the Corporation was formed we have worked out with ACCESS operation understandings by which they agree to follow certain educational guidelines and meet certain educational priorities. These arrangements and others which we have evolved together have worked moderately well. The question may be asked - if the Authority does not intend to use the power and if it is deemed to be a concern by the CRTC why not change it? The Saskatchewan Act says something like - "subject to guidelines provided by the Authority . . .", and it has been suggested that we use this same terminology.

The point made by Justice O'Byrne is that the Corporation is quite willing to accept directions which are related to concerns which are strictly educational - curriculum content and approach, etc. - but are not willing to accept directions which affect day by day operation of the Corporation and which might reflect political control. I agree that these concerns are difficult to incorporate as a definition clause in the Act. We have always taken the position - hypothetical thus far - that ACCESS could refuse to follow a direction if following it could jeopardize their position with the CRTC. As you pointed out there appears to be no penalty for not following a direction.

My preferences would be as follows:

(1) Keep the wording the way it is until it is formally challenged,

or

(2) Amend the Act by substituting the word guidelines.

If the second is followed, the control over the Corporation would be executed by conditional funding¹ which is or could be more

¹Section 10(1) of the AECC Act empowers the Government of Alberta to "make grants to the Corporation appropriated by the Legislature for that purpose either with or without conditions."

stringent than directions. (Letter from Morton to Acorn, January 19, 1976)

Morton pointed out (during an interview, March 18, 1983) that the "CRTC didn't like the [Alberta] Act. It limited 'independence' . . . The Corporation was afraid the CRTC might do something about it and not renew the licence." For a time it looked as if the renewal was in some danger. The CRTC hearing of the CKUA application, previously anticipated for the Spring of 1976, was, in fact, postponed. CRTC legal counsel, Chris Johnston, explained in a letter to Shorter (May 13, 1976):

As indicated in the Commission's decision approving the transfer of these licences to the Corporation (CRTC 74-67), the Commission remains concerned by the wording contained in Section 6(1)(b) of the Alberta Educational Communications Corporation Act which allows the Authority to give directions to the Corporation in programming matters. I had understood in several conversations with you and Mr. Justice O'Byrne that there existed a possibility that the Commission's concern would be met by an amendment to the Act. Upon being advised prior to the Edmonton hearing that this possibility no longer existed, the Commission decided to postpone the hearing of the CKUA applications to permit both the Corporation and the Commission to consider this development and its effect on the eligibility of the Corporation to continue to hold broadcasting licences under Order-in-Council P.C. 1972-1569.

I would appreciate your advice as soon as possible as to any steps which could be taken by the Corporation or the Authority to resolve this problem. I anticipate that the applications will be scheduled for hearing next September in Ottawa. If we are unable to resolve the problem by then, it will, of course, be necessary that the Commission review the status of the Corporation and its qualification to hold a licence under the Order-in-Council at that time.

June 18, 1976, Morton met with Johnston to discuss the issues surrounding the licensing of CKUA. Morton reported the outcome of the meeting to the Minister and his Deputy:

Two significant points came out in our discussions:

1. Johnston still feels that the present wording of the Act is unsatisfactory to the CRTC. He insists that in early discussion with both Mr. Hyndman and myself it was indicated to him that some "softening" of the Act would be considered. In this connection there is no doubt that various possibilities were explored. However the decision made by both sets of Ministers constituting the A.E.C.A. was that we would wait for some overt move from the CRTC before any action was considered.

It now appears the CRTC is so concerned about the situation that Mr. Johnston is prepared to recommend to the CRTC that CKUA's license not be renewed in September unless some action is taken. Although Mr. Johnston wrote to Mr. Shorter to this effect recently he will be sending a letter to me shortly stating this explicitly. It may be that he will decide to have the letter written by Mr. Boyle¹ and sent to Mr. Koziak. (Memo from Morton to The Hon. Julian Koziak, Minister of Education and Deputy Minister, Dr. E. K. Hawkesworth, June 21, 1976.

It was legal counsel, Johnston, and not the CRTC Chairman who followed up the June 18 meeting with an official letter to Morton (dated June 24, 1976):

Following our meeting in Ottawa on June 18th, I am writing to confirm the position of the Commission with respect to the applications for the renewal of licences for CKUA and CKUA-FM in Edmonton.

As explained in my letter of May 13th, 1976, to Mr. Larry Shorter, which I understand you have seen, the Commission has remained concerned since its original approval of these licences (CRTC 74-67) about the wording contained in Section 6(1)(b) of the Alberta Educational Communications Corporation Act which allows the Provincial Authority to give directions to the Corporation in programming matters. From conversations with you, Mr. Shorter and Mr. Justice O'Byrne, I had been under the understanding that some steps would be taken by the necessary provincial powers to ensure the continuing independence of the Corporation. The most effective step would, of course, be an amendment to the Act.

¹Harry Boyle had replaced Pierre Juneau as Chairman of the CRTC.

The measures we have periodically discussed to overcome the difficulty include:

1. An amendment to Section 6 of the Act which would alter the mandatory nature of the phrase "subject to any directions made by the provincial authority" and permit the Corporation some discretion in its acceptance and application of such directions bearing in mind the requirements of the federal Order in Council P.C. 1972-1569;
2. the inclusion in the Act of a definition of the term "direction" in such a way as to ensure the independence of the Corporation;
3. the entering into a binding agreement between the Provincial Authority and the Corporation which would contain a definition of "direction" and contain terms which would ensure the independence of the Corporation;
4. the re-constituting of the provincial authority as a body itself independent from direct control by the Ministers concerned.

As indicated to you in our conversation, the Commission will expect some initiatives to be taken prior to the hearing of the applications for renewal in the fall to resolve this problem failing which it will have to give serious consideration to whether it is entitled to renew the licences under Order in Council P.C. 1972-1569.

The Act, however, was not amended and the CKUA licence was later renewed. (This topic is discussed in the section which follows.)

The Honourable Mr. Justice Michael O'Byrne speculated as follows:

The CRTC fussed about that phrase "any directions." On account of that they gave us a short term licence and then it was thought that we should have the Act amended and we did talk to Hyndman . . . we wrote him a letter saying we'd like four or five areas changed . . . then it was a matter of wait to see what, what they would do. They did nothing. They put no heat on us. (Interview, O'Byrne and Shorter, April 12, 1983)

Shorter continued:

There was one meeting [June 18, 1976, discussed above] we had . . . where Chris Johnston really laid it out that we were just going to have to change that.

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But you've got to get that in context.

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Then we got our two-year licence. In those intervening two years we went from a position of agreement . . . but then in '76 the cable hearings were on. AGT was trying to get ownership of the cable. Federal-provincial relations started to get pretty rocky . . . we had communicated to Johnston that there was probably a willingness to change from "directions" to "guidelines." He then said, "OK, it's time to make the change." I communicated that back here, but because of what was happening the feeling that Alberta had towards the 'Feds,' because of AGT and cable . . . Morton said they didn't want to . . . it was a kind of 'stonewall.' I went back to Johnston and said "they are not willing to change it." Then the hearing [September, 1976] came up and nothing else was asked about it. (Interview, O'Byrne and Shorter, April 12, 1983)

The 1976 licence renewal application was to be heard by the CRTC in early September, 1976. The Alberta government and the Corporation had only a few short months left to resolve the dilemma of the Corporation's "independence."

The 1976 Alberta Licence Renewal Application

Political Influence

It's not whether political influence is used against the Alberta Educational Communications Corporation that is important at the moment, but whether a formal tool to exercise political influence exists. September hearings on CKUA's licence renewal should concentrate on that.

In our view, the tool does exist and, although we are loath to see this licence renewal jeopardized, we are more troubled to see existing legislation governing ACCESS remain unchanged. For in that legislation, the two ministers of education, in the form of a separate broadcast "Authority," have the power to "direct" the content of radio and television programming at ACCESS. That power should go.

Other provinces have provincial broadcast systems, but they don't have the means for direct political influence built into the legislation governing these systems. Thus it is wrong to suggest that Alberta's provision for direction is required by federal rules. It obviously is not. Indeed, the CRTC shares our distaste for ACCESS's legislation.

Surely the Alberta government is not asking us to accept potentially illiberal legislation because there are, at the

moment, innocuous people in power. The freedom of the press and the media from political direction is far too important a principle to see whittled away by a quiet phrase buried in a broadcast act.

A prompt undertaking by Alberta's government to change this provision would take the threat out of the up-coming September hearings of the CRTC by taking the threat of direct political influence out of ACCESS. (Editorial, Edmonton Journal, May 16, 1976)

Morton's reaction to the newspaper editorial was immediate. He prepared an extensive explanation for the benefit of the Minister (Memo to Hon. Julian Koziak, May 17, 1976). Morton reassured the Minister that there was no "direct evidence" that CKUA's licence was being threatened:

The only evidence I have is a conversation with Mr. Shorter who believes that the withdrawal of the item concerning CKUA's renewal of licenses at the recent CRTC hearings was motivated, in part at least, by the CRTC counsel's concern that no formal action had been taken to clarify the "subject to any direction..." clause in the AECC Act. However, there is no hard evidence that I am aware of that CRTC is threatening CKUA's license although this could come out in a hearing.

Morton admitted, however, that "it is probably true nevertheless that the Act does make political interference possible" [emphasis in the original].

It was this possibility of perceived "political interference" which gave cause for concern to the Alberta government prior to the September 8th CRTC hearing. An indication of the high priority attributed to this event is revealed by a memo from T. Nisbet, Director of Alberta Resources and Industrial Development to Dr. R. Bosetti, Assistant Deputy Minister, Advanced Education and Manpower, G. Haase, Communication Advisor, Utilities and Telephones, and Dr. E. K. Hawkesworth, Deputy Minister, Department of Education (July 29, 1976).

The memo confirmed an "official meeting" for August 12, in the Federal and Inter-governmental Affairs office, "to discuss alternatives regarding the CKUA license renewal problems and as well to develop some recommendations for the Minister."

Further, the memo confirmed a meeting of the Cabinet Committee on Communications had been "convened for August 23, 1976," at which time, the "main topic of discussion will be the upcoming application for renewal of the CKUA radio broadcasting license."

The hearing was obviously an event of major importance in the eyes of the decision makers and opinion leaders within the provincial government.

In preparation for the hearings, Larry Shorter paid a visit to the CRTC in Ottawa to "sound out the mood of the CRTC concerning the wording of our Act and their likely stance towards that wording at our September 8 hearing." Shorter reported that he was "not very pleased with the CRTC mood on the . . . matter" (Letter to W. Leigh Hill,¹ August 9, 1976).

Shorter stressed the following point:

ACCESS is in no position to defend an Alberta government decision not to change the Act. First, of course, since we are supposed to be independent of government, who are we to defend an Act of the legislature. Second, you will recall that two years ago, the AECA gave some assurances that the effect of the wording could be softened. ACCESS then assured the CRTC that it was working on securing such a softening. In May we had to inform the CRTC we were unsuccessful, a fact which compromises a defense of the Act by us. (Letter from Shorter to Leigh Hill, Acting Director, AECA)

¹Morton took a sabbatical (June 1-September 30, 1976). In his absence, W. Leigh Hill, Acting Director, was assigned the task of preparing a brief for the CRTC hearings to be held September 8, 1976.

Shorter went on to encourage Hill to prepare briefing materials, suggesting that "one of the Ministers might appear so as to add weight to our case." Hill drafted a statement (August 18, 1976) to reassure the CRTC of the Corporation's "independence":

Whereas the educational needs and their priorities which are to be addressed by ACCESS are those which are mutually agreed upon through the Program Policy Guidelines and the Decisions Model, the particular way in which these needs might most appropriately be met is a decision which rests, in the final analysis, with the Corporation. This approach is completely workable and is one with which the Authority anticipates no difficulty in the future. (Letter from W. L. Hill, Acting Director, AECA, to Peter McDonald, Director-General, Licensing, CRTC)

A copy of the letter was sent to Gordon Haase, Advisor on Communications, Alberta Utilities and Telephones. Haase did not concur with the CRTC legal counsel, Chris Johnston's proposal, that the AECC Act be amended in order to replace the term "directions" in Section 6(1)(b) of the Act with a term such as "guidelines" (discussed above). In a memo to the then Minister of Utilities and Telephones, Alan Warrack (August 20, 1976), Haase expressed his views regarding the constitutional jurisdiction over educational programming:

It seems to me that the fundamental concern of the province is to establish and retain authority and control over "educational programming." Eventually this will involve the right of provinces to define "educational programming" rather than having their definition embodied in federal legislation . . . It would also involve in the long run, the revocation of the federal PC 1972-1569 in which the various restraints on provincial broadcasting activities are embodied. In order to maintain the provincial position it seems essential that the legislation establishing ACCESS should be strongly worded. . . .

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It seems to me that the ACCESS legislation should not be amended at this time, mostly for consideration of maintaining the ultimate position for the province with regard to the content of all phases of the educational system. . . .

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The concern of CRTC about the independence of the Corporation is only hypothetical at this point there being no allegations of any specific instances of political interference of any kind.

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You will note that the correspondence that has raised this issue of the independence of ACCESS is at the official level only between the legal counsel of CRTC and the Director of the Alberta Educational Authority. (Memo from Gordon Haase, Advisor on Communications, Alberta Utilities and Telephones, to the Hon. Dr. A. Warrack, Minister of Utilities and Telephones, August 20, 1976)

Shorter and O'Byrne corroborated this view. Shorter said:

We were dealing with Chris' [Johnston] concern as their concerns. Chris probably made an assumption that his concerns were the Commission's concerns and he might have got some encouragement from them.

O'Byrne added:

In our experience the first [CRTC] Chairman that we met with, Juneau, wasn't particularly concerned about [Section] 6(1)(b) and Harry Boyle who took over from him was not very concerned either . . . it was the legal counsel protecting the CRTC and their jurisdiction who always fussed about it. (Interview, Shorter and O'Byrne, April 12, 1983)

Haase reiterated his feelings regarding the province's right to establish authority and control over educational programming in a memo to Acting Director Hill (August 24, 1976) written in response to Hill's letter to the CRTC (August 18, 1976, discussed above).

I think that the province needs to protect its ultimate control over the content of educational programming and would therefore wish to keep as strong language as possible in the legislation.

The tone of Hill's letter to Harry Boyle, Chairman, CRTC, indicated that Hill had taken Haase's advice to heart. He used strong language in affirming the Government's (i.e., the Authority's) position:

It is our view that the Act [Alberta] merely reaffirms the constitutional obligations of the Government of Alberta in the area of education to the people of the Province. . . . procedures which have evolved over the past two years by mutual consent between ACCESS and the Authority . . . retention

of independence of ACCESS.

The de facto relationship between ACCESS and the Authority on the eve of the application by ACCESS for a renewal of its licence is unchanged from the envisaged relationship between ACCESS and the Authority at the time of the initial granting by CRTC of the CKUA licence.

The 1976 Alberta licence renewal application was heard by the CRTC September 8, 1976. Questioning of the applicants (representatives of the Corporation) focused mainly on the issue of the Corporation's independence from government. The question was posed: What would be the Corporation's position if the provincial Authority issued directions overstepping the boundaries of the definition of educational broadcasting (embedded in the federal direction)?

The Honourable Mr. Justice Michael O'Byrne, speaking on behalf of the Corporation, responded to the effect that should the Authority go too far, the independence of the Corporation would be in jeopardy and, as this would be contrary to the CRTC regulations and its own mandate, the Corporation "would not act on it." Once again, as he had done at the initial hearings in March, 1974, O'Byrne pointed out the dilemma of the divided jurisdiction:

. . . does seem almost a paradox to me that we talk about independence, and yet our funding comes from that government which we claim to be independent from. It's a kind of mystery. (Minutes of Proceedings, CRTC Hearing, September 8, 1976, pp. 27-28)

September 30, 1976, a CRTC Decision (76-715) was issued, which approved ACCESS' licence for CKUA for another two-year period. The Decision read: "The Commission renews these licences from October 1, 1976 to September 30, 1978 subject to conditions to be specified therein."

The decision then went on to reiterate its statement (from CRTC Decision 74-67, dated March 29, 1974) expressing concern with the potential for "lessening the independence" of the Corporation (discussed in Chapter 6) still inherent in the wording of the AECC Act. The decision also stated the following:

During the licence period, the Commission has periodically reviewed with representatives of the Corporation and the Authority, the working relationship between the two bodies. This matter was also the subject of discussion at the hearing of the present applications for the renewal of the Corporation's licences.

While there has been no change in the wording of the Act, which contains a power that enables the Authority to give directions to the Corporation on programming matters (Section 6(1)(b)), the Commission remains satisfied that the Corporation continues to be eligible to hold a broadcasting licence under the Order-in-Council.

However, because the potential for lessening the independence of the Corporation is still inherent in the wording of the Act, the Commission has renewed the licences for a short period of two years in order to enable it to assess on a continuing basis during this period the relationship between the Authority and the Corporation and the Corporations' eligibility to hold broadcasting licences. (CRTC Decision 76-715, September 30, 1976)

The question of "independence," it seemed, was still unresolved, as far as the CRTC was concerned. The extension of the CKUA licence, once again on a short-term basis (two years), was so designated in order to enable the Commission to "assess on a continuing basis during this period the relationship between the Authority and the Corporation."¹

¹The CRTC Decision (74-67) also stated the following:

"The Commission also discussed extensively at the public hearing the programming provided by the applicant on CKUA and CKUA-FM. The Commission must satisfy itself that such programming follows the description of educational programming contained in Order-in-Council P.C. 1972-1569. The Commission wishes to remind the applicant that the programming in question must nevertheless be "designed to furnish educational opportunities" and must also be "distinctly different from general broadcasting available on the national broadcasting service or on privately owned broadcasting undertakings".

Morton commented on this stipulation:

In my view this is essentially a political problem which should be resolved when this province develops a communications policy. I do not feel it should be left to ride for another two years. As soon as possible the province should take a position with respect to the use of communications media for essentially provincial purposes. Such a position would help to clarify our posture with respect to ACCESS and the CRTC. (Memo from Morton to Hohol and Koziak, October 12, 1976)

Morton concluded this memo with the following statement regarding the definition of educational programming:

I would urge once again that the province negotiate with the federal government a new definition of "educational programming" for broadcast purposes.

Morton had never been completely satisfied with the definition of educational programming, and felt the experiences of the last two years had reconfirmed his views. During the course of an interview, the topic of the definition of educational broadcasting was addressed:

If CKUA or TV Ontario or anybody is not broadcasting programs that meet that definition, then their licence can be cancelled . . . won't be renewed . . . During the review [CKUA, September 8, 1976] the issue came up. . . . They wanted to see if the government would interfere. This I find an interesting kind of dilemma because as a matter of fact, CKUA did not change its programming, in my view it was never educational within the definition. It was constantly almost daring the Authority to change it and therefore challenge its listeners, and so on and so on . . . I felt that with regard to CKUA, ACCESS never complied with the definition, and in my view TV content has never strictly complied. I felt that the CRTC could have been as vigilant in looking at educational content to see that it complied with the definition, as they were in looking at the Government's role in possibly interfering with what the Corporation was doing. . . . The CRTC didn't want to annoy the provinces . . . It was a tacit kind of thing. Nobody wanted to create a showdown . . . In my view the broadcast component of either TV Ontario or ACCESS did not fulfill the function of educational broadcasting. (Telephone Interview, Morton, June 15, 1983)

In any event, according to the federal Direction (OC PC 1972-1569), the CRTC had to be satisfied that the Corporation is "not directly

controlled by Her Majesty in right of a province." Theoretically, the CRTC could revoke the CKUA licence if there were sufficient grounds to prove that ACCESS was directly controlled by the provincial government.

The dilemma remained: how best to protect the integrity of provincial jurisdiction over educational broadcasting without violation of the federal legislation. This dilemma fed the battle for independence, which the following chapter addresses.

Summary

The issue of the Corporation's independence from the provincial government surfaced early, while the Corporation was still in its formative stage of development. Once the Corporation became fully operational, however, concern for its independence became an issue of paramount importance. As was pointed out in the previous chapter, the AECC Act (1973), which established both the Corporation and the Authority, only specified certain aspects of their relationship. The rest was left to be worked out in practice by what was described by the two Ministers of Education as a process of "consultation and mutual agreement." What evolved instead was an acrimonious process of negotiation in which each organization sought to increase its own area of jurisdiction and define its sphere of control. In his attempts to specify their respective roles and responsibilities, the Authority's Director (Morton) discovered that some areas were not easily defined and certain boundaries not clearly discernible due to the broad ambiguous definition of educational programming

embedded in the federal legislation (OC PC 1972-1569). It was Morton's view that provincial constitutional control over education was not sufficiently specified, nor were the means whereby provincial corporations were to remain independent of government clearly delimited. The Alberta legislation had incorporated some of the wording of the federal legislation in Section 6(1)(b) of the AECC Act (1973), stating that the Authority was empowered to issue "directions" to the Corporation. During their "honeymoon period" and in the absence of "directions," the Corporation began programming a series called "Come Alive," the focus of which was adult education. As the series increasingly began to consume the Corporation's resources, the Departments of Education persuaded the Authority to issue "directions" to the Corporation which would indicate their educational programming priorities. The Authority's Director (Morton) did so by taking steps to formalize the relationship between ACCESS and the educational community with the establishment of the "Policy Planning Advisory Committee." This Committee's main focus was a concern with Section 6(1)(b) of the AECC Act. The PPAC eventually succeeded in producing directions in the form of a "Guidelines" (1975) document which was transmitted to the Corporation. The Authority Director, however, felt guidelines alone were insufficient in relating educational needs and priorities to the programming of ACCESS, and sought a more formal mechanism. The "Program Decision Model" became the Authority's mechanism designed to serve as a guide for implementing Section 6(1)(b) of the Act. The President of ACCESS (Shorter), however, objected to this form

of control, and it was not long before the battle for the Corporation's independence was launched. The battleground on which this battle was fought became the issue surrounding the interpretation and application of the word "directions" in Section 6(1)(b) of the AECC Act (1973). The legal counsel for the CRTC supported the Corporation's concern for the independence of ACCESS, and made known the CRTC's dissatisfaction with the wording of the Alberta Act. The possibility of amending the Act was entertained with regards to the renewal of the CKUA licence. The position taken by the provincial government was, however, that the wording of the Act grants the Corporation sufficient independence to satisfy the federal legislation, and that it would not soften its position. The government was advised that it should exercise the power conferred by the Act to ensure that ACCESS respond to the educational needs of the electorate. Although the CRTC indicated their concern with this position, the CKUA licence was, in the end, renewed. Meanwhile, the Corporation's Chairman of the Board and Chief Executive Officer were pressing for the negotiation of a formal agreement between the Corporation and the Authority. This agreement was eventually deemed "ultra vires" by the provincial government's legal counsel. The question of the Corporation's independence remained unresolved and the dilemma of protecting the integrity of provincial jurisdiction over educational broadcasting without violation of the federal legislation continued.

Chapter 8

THE BATTLE FOR INDEPENDENCE

The dilemma remained unresolved: the Departments of Education (through the Authority) continued their efforts to determine the content of educational programming, while at the same time the Corporation was struggling to maintain its independence from government control. The Departments of Education took the position that it was their needs and priorities which should determine the allocation of funds for programming. The Authority's Director articulated this position in an early memo to Dr. Hawkesworth (August 29, 1974):

What should control how the money is spent [by the Corporation] are the needs and priorities of education in this province, not on the whims however creative, of people inside or outside of ACCESS who have money to spend on something [emphasis in the original] within a given period of time.

.....

Relating the Department of Education's interests to the total provincial educational picture is the Authority's responsibility[!]

Although the provincial government's position remained consistent in this regard, always holding fast to the principle that responsibility for the content of educational programming rested within the purview of the Departments of Education, the Corporation remained "independent" in terms of administering its funding. The Authority's Director, Morton, elaborated:

In spite of the many good arguments to the contrary, I remain convinced in principle (1) that central funding of some sort is better than dispersed funding and that (2) the central fund should be administered within ACCESS, but subject to directions

and guidelines from the Department via the Authority. (Memo from Morton to Hawkesworth, August 29, 1974)

Morton and his Deputy Minister of Education, Dr. Earle

Hawkesworth, were in agreement in the early days of the ACCESS operation, that the Corporation retain its operational independence. As time passed, however, Hawkesworth's position gradually changed, as was illustrated by this excerpt taken from an interview with Hawkesworth:

It was no secret that by the time I was through, I was pushing for a budget item with us for our communication needs. . . .

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This was a position I did not share when ACCESS was first created but it was a position I have come to, after years of experience with ACCESS.

Dr. Hawkesworth's perception of control was of two types:

1. control of educational programming but also
2. control of finance, through the Department of Education (that was not the way it was) . . . it should have been part of the two Departments of Education. It was set up with an independent Board of Directors of ACCESS with a budget through Treasury. However, the budget was scrutinized by the two Ministers who made up the Authority.

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If you don't have control of the finances you don't have control. It's not control of ACCESS I'm talking about but control of the content of the programs. . . .

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When ACCESS was first created, funding did not come through the Department. (It came through Treasury.) . . .

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With conditional funding, certain funding was identified within the budget . . . those funds are released to ACCESS when the Department of Education indicates those requirements have been met. . . . But because ACCESS is "independent," . . . not as much clout because ACCESS decides which of the priorities will be met. . . . Once they moved out of our hands into ACCESS . . . ACCESS being an independent corporation could do as it wished with them¹ . . . that is why we

¹ It has been Alberta Education's original intention to phase out the Audio Visual Branch, once ACCESS was operational. This did not take place as planned, because it was felt Alberta Education's needs

had to have conditional funding. (Interview, Hawkesworth, April 4, 1983)

In the end, all other issues regarding the government's control of the Corporation rested on the more basic premise of who controlled the Corporation's funding. This topic will be explored in the following section.

Conditional Funding

Conditional funding was the only way to have control. By controlling the purse strings you control the objectives of the program. If the program doesn't meet the objectives you don't fund it. Conditional funding was something Dick Morton believed in strongly and so did I. Conditional funding is the only way to do it! (Interview, Alan Robertson, April 2, 1983)

Section 10(1) of the AECC Act states that the Corporation may receive grants "either with or without conditions." Conditional funding was not instituted until December, 1975, when a memorandum was sent to the Provincial Treasurer which directed that department to place one million dollars of the \$7,600,000 ACCESS budget, in the "conditional" category.

were not being met. Dr. Hawkesworth elaborated:

"We had an Audio Visual Branch within the Department. The original intent was to quickly divest ourselves of that, however it took us years and years before we did because we weren't getting, in our opinion, the programs we needed, and we did have those resources in the Audio Visual Branch, to provide the School Broadcasts. . . . Initially the feeling developed very quickly that if we gave up the Audio Visual Branch we might end up with nothing. . . . as long as it was the assurance that we were going to get some programs that we needed in education . . . (for example, we had the 'dubbing centre' which was very successful with us but we had to turn it over to ACCESS under an agreement)" (Interview, Hawkesworth, March 24, 1983).

Hans Kratz explained the necessity of instituting "conditional funding:"

It was because their priorities were not being met that Alberta Education went into conditional funding . . . Conditional funding for ACCESS was brought about to ensure that the Department got at least some of the programs it needed. . . . (Interview, Kratz, April 25, 1983)

"Chuck" Williams, the then Vice President of ACCESS explained the federal context which had influenced the adoption of this technique for funding ACCESS:

Special projects funding came out of the Ontario [model]. Ontario went the same way. TVO's budget was split in two parts. There is a sort of maintenance funding which comes from the Department of Culture (interestingly enough) and there is program funding which comes from the Department of Education. The theory is, that the program funding from the Department of Education is held in trust so that the Department of Education can get the programs it wants for the schools produced. It is a way of controlling the production of educational programs. In practice what happens is, TVO makes proposals to the Department of Education, who agree, or disagree (usually agree) that this funding may be used in this way . . . eventually what it comes down to is . . . once it gets to TVO it just becomes part of the budget; how it is used depends on trust and who is administering the fund . . . If the person administering the fund sees his job as being to get the funds spent, then that person will be inclined to approve anything. If he sees his job as a sacred trust to control the Corporation, then the fund will be very slowly released. (Interview, Williams, March 14, 1983)

Dr. Worth provided a rationale for conditional funding in the Alberta context:

In other aspects of the Department's work we were beginning to use conditional grants as a means of trying to have a steering effect. So these conditional grants for ACCESS arose out of a different context . . . The climate was more supportive of that . . .

Then the Ministers changed. Personalities are different and have an effect on the task. I was . . . Deputy Minister, and left shortly after Hohol came in (one year after) as Minister of Advanced Education and Manpower, and Julian Koziak took over as Minister of Education. [They were] not so enamoured with

ACCESS as were Jim Foster and [Lou Hyndman]. There were many meetings . . . however . . . moved more slowly. . . .

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And the question of fiscal control was becoming more and more important as things began to get a little tighter in government and people began asking more and more questions about expenditures. . . . [Conditional funding] was in general terms, an attempt to have a steering effect on the Corporation to try to ensure the Corporation met some of the guidelines of the program mandates established for the different sectors. . . . a way of gaining leverage . . . one million dollars was one eighth of the budget, in some ways it represented a compromise. . . . it could have been more—some voices argued that it was inappropriate to do that, some voices argued that it should have been more.

There were some people in government and in Treasury in particular, who would have liked to have maximized the conditional part. As long as Foster was there he tried to minimize it and Hyndman tended to agree with that. . . . I saw it as a constraint to some extent, but after having served as Deputy Minister for a few years, I became a little less idealistic about some of these things. In other aspects of the Department's work we were beginning to move towards conditional grants as a means of having a steering effect. So these grants for ACCESS arose out of a different context—the climate was more in support of that . . . so I guess I found my own personal attitude beginning to change.

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My interest was of a major concern at the outset, and there were, at first fewer things on my plate. As the years went by, I got less involved. . . . I was getting more and more removed. Admittedly I had a titular involvement but that was all it was. (Interview, Worth, March 17, 1983)

The move toward "conditional funding" engendered much debate and gave cause for an even further breakdown in communications between the Authority and the Corporation.

Shorter considered the placing of a million dollars in the conditional category to be a "drastic method" which gave the Authority "total leverage" over ACCESS programming (Report of a conversation with Shorter, in a memo from Morton to Worth and Hawkesworth, January 13, 1976).

A formal letter from the ACCESS Board (February 18, 1976) documented the Corporation's position concerning the "conditional funding" issue. The Honourable Mr. Justice Michael O'Byrne, in a letter to the Honourable Bert Hohol and the Honourable Julian Koziak stated the following:

When ACCESS was first formed, I indicated to the Ministers who then constituted the AECA, that I would not come to them except on urgent matters. Last Spring when you assumed responsibility for the AECA, I renewed that promise. I now come to you with an urgent matter.

The "urgent matter" to which O'Byrne referred addressed the issue of the Corporation's funding. O'Byrne reminded the Ministers of an earlier meeting (held February 27, 1974) at which "a specific assurance that conditional funding would not be instituted," was given.¹

O'Byrne therefore expressed "surprise" and "displeasure" that conditional funding had been decided upon as a course of action "without prior consultation" with ACCESS:

We wondered if the two Ministers were dissatisfied with our program. Is ACCESS not responding satisfactorily to program proposals now coming in from the AECA and the two Ministers?

These questions could not be answered. The Authority had not provided us with its reasons for wishing conditional funding, or with the objectives such funding was meant to achieve. Our staff reports meanwhile indicate the present system is working well.

I suggest, with respect, that if the Authority is not satisfied with our performance, surely we ought to have been told. Any shortcomings on our part could be quickly and easily remedied. (Letter, O'Byrne to Hohol and Koziak, February 18, 1976)

The letter went on to review the events prior to the issuing of the Guidelines (February, 1975), and events subsequent to that

¹ Records of that meeting reveal that ACCESS was to receive its funds annually from its own vote (under Executive Council) on a regular predetermined basis.

date. Speaking on behalf of the Board, O'Byrne felt that "considerable progress toward meeting the guidelines" was being made.

In closing, O'Byrne stated:

This is the situation as we see it. If you see it differently, it is our responsibility as a Board appointed by the Government to learn of any dissatisfaction with the performance of the Board and management of the Corporation.

O'Byrne requested a meeting with the Ministers:

The purpose of this meeting would be to discuss your perception of our performance, to hear what reasons lie behind the proposed change in our funding procedures, and what additional objectives we are expected to meet.¹

Following the reception of O'Byrne's letter, there was much discussion amongst senior officials within the two Departments.

In a memorandum to his Deputy Minister Dr. Worth (March 3, 1976), Dr. Reno Bosetti,² the then Associate Deputy Minister of Advanced Education expressed his "strong reservations" concerning "the appropriateness" and indeed even "the legality" of conditional grants. Bosetti suggested a formalized liaison as an alternative course of action:

An educational development group(s) which would interact directly with the Corporation and the Authority to represent the interests of each Department. The central purpose of this formalized liaison would be to ensure that appropriate

¹ The meeting O'Byrne requested was held February 19, 1976.

² By this time, as indicated by Dr. Worth (during his interview, March 17, 1983, discussed above) there was increasingly more delegation of the responsibilities of the Authority. Dr. Worth's Associate Deputy, Dr. Reno Bosetti, and Dr. Hawkesworth's Associate Deputy, Dr. James Hrabí, came to assume much of these responsibilities. An illustration of Dr. Hrabí's increased involvement is provided by a memo (dated July 5, 1976) to Dr. Hrabí, from W. L. Hill, Acting Director of the Authority, which described Dr. Hrabí as the "acting member, AECA Executive."

educational input is made.

The group(s) also could serve as a sounding board or think tank . . .

Bosetti enclosed a draft response to O'Byrne's letter (February 18, 1976) for the Minister's (Dr. Hohol's) signature and Worth's consideration. Further, he suggested that the Ministers meet with the Board (ACCESS) to "explore issues prior to making any firm commitments as to the use of conditional grants."

During the course of an interview (March 16, 1983) Bosetti recalled the following:

Education's satisfaction with ACCESS expenditures was not high. When they wanted something produced, ACCESS was already committed. . . . Education said—you've used our money for other purposes. So a decision was made very deliberately to withhold one million dollars of their budget and we'd approve that at that time on the basis of the approval of programs. The problem with withholding of money . . . ACCESS . . . is a body corporate operating at a cost level. . . . The commitments were already in place, so this whole matter of releasing one million dollars of money was sort of a "paper tiger." The whole matter of holding back money was not a good way to control ACCESS. But it did have the effect of giving Alberta Education more confidence that they could tell ACCESS what to do.

.

At one point in time it was proposed that we withhold two or three times that . . . I didn't support it personally because I felt it was a sort of paper approach, when in effect all we were doing was giving ACCESS one million dollars of money it had already spent. It was nonsense because projects were already ongoing. We didn't really introduce new programs—just gave us a feeling we were controlling . . . conditional funding caused a lot of bad feeling.

Dr. James Hrabí shared a similar view to that of Bosetti:

Conditional funding happened because there was a lack of trust (obviously). There were people who thought that not only were the guidelines and the decision model not sufficient but that we needed more control, and so you ended up with conditional funding . . . it came about because of the climate . . . I never agreed with it from day one . . . If I didn't agree with the complexity of the decision model I'm not going to agree with further constraints . . . Of course the Board never liked it,

obviously, and I never thought it was necessary. . . . I thought the guidelines were sufficient . . . they put some constraints on the operation. If you take the guidelines plus the influence of the good people we have, that's all you need.

Dr. Hrabi then went on to point out the following:

The issue of control of ACCESS has always been a more burning issue with Alberta Education than with any other Department. . . . for a couple of reasons. Alberta Education exercises a lot of control over school programming. We prescribe resources; we recommend resources; so the goal of the enterprise is to have resources that reflect our curriculum. We don't want somebody out there producing something that isn't perceived as useful. Advanced Education doesn't control programs that are offered by advanced institutions in any way, shape, or form . . . But further "ed" and continuing "ed"—theirs is a generic concern as opposed to a specific concern about the nature of materials. So the control issue has always been a bigger one with Alberta Education than with Advanced Education. (Interview, Hrabi, March 10, 1983)

Reno Bosetti corroborated Hrabi's perception, adding some valuable insight:

The governance relationship with Advanced Education and Manpower is more at "arms-length" with the Board of Governors of a post-secondary institution than is education with the school board. Allows more freedom . . . and primarily the most important issue is that Advanced Education and Manpower does not set curriculum. Alberta Education does. Content and textual materials are all prescribed in Alberta Education whereas in Advanced Education, they are not. In terms of educational broadcasting the perspective is different. From Education's perspective in curriculum, it must be approved by the Minister of Education. If you treat ACCESS the same way as you treat a school board . . . discharge responsibilities . . . as determined by the Legislature on behalf of the people of Alberta and I don't change those. Nobody changes those and neither does the Minister. There is a requirement there that the Minister of Education exercises control over the content of education. The content of basic education is determined politically by the Minister. How it is taught is determined by the professional.

The way in which content is defined in Advanced Education is quite different. Advanced Education defines education as the program generally . . . the course of study . . . the credential . . . we would approve the program as such . . . but not the specific content of the program. We didn't deal with the specifics. Those were left to the expert—the professional . . . media to us in Advanced Education and Manpower was considered

to be a tool for delivery of an established program . . . as long as it suited the institution delivering the programming. So we really had a system where the responsibility was discharged under the BNA Act by Advanced Education but there was a considerable amount of delegation to the institution, much more so than there is in Education . . . a much longer reach . . . we approve many kinds of programs which do not specify . . . wouldn't dictate . . .

.
So it wasn't a first priority with respect to Advanced Education and Manpower because they are not involved in curriculum development. It is a sort of, second—more an administrative matter. . . . Advanced Education and Manpower's approach to ACCESS is quite consistent with its legislated mandate. Similarly Education's approach was consistent with its legislated mandate, and they are very different from each other and require different approaches. (Interview, Dr. Reno Bosetti, March 16, 1983)

Both Hrabi and Bosetti were present at a meeting of "senior officials"¹ of the Departments, March 8, 1976. Morton reported the outcome of the meeting to his Ministers, as follows:

After considerable discussion the following points emerged:

1. ACCESS is perceived by many in both areas of education as not meeting their expectations. The criticism is expressed in many ways such as - ACCESS is doing too much of certain kinds of things and too little of others. ACCESS has too much broadcast time to fill. ACCESS does not consult with educators. ACCESS is more concerned with "show biz" than education.
2. Closer co-operation between ACCESS and educators is necessary. This co-operation, in some instances at least, needs to take the form of clear understandings and commitments between an educational agency and ACCESS that program materials will be developed in certain ways, for certain purposes, for delivering mode, etc. This is particularly true of the Department of Education which is attempting to rationalize its entire approach to school broadcasting.
3. Conditional funding is one way, though perhaps not the only way, to accomplish this co-operation. (Memo from Morton to Hohol, Koziak, Hawkesworth and Worth, March 10, 1976)

¹March 8th, the following met to consider the above issue: R. Bosetti, D. Crawford, J. Hrabi, M. Adamson, V. Sunohara (Morton's assistant) and R. Morton.

A second memo from Morton dated the same day (March 10, 1976) to the Honourable A. E. Hohol, the Honourable Julian Koziak, Dr. Hawkesworth and Dr. Worth, analyzed O'Byrne's letter of February 18, 1976 (discussed above):

1. The letter challenges the principle of conditional funding
 - (a) on the basis of an understanding between government and ACCESS in February, 1974.

Two years have passed since this undertaking was given and the Authority itself has changed. In any case the conditions set down in the proposed ground-rules provide a general framework governing not the payment but the release of these funds. The program approval procedures are not one-sided but must be agreed to by both ACCESS and the appropriate government agency. The procedures are designed to promote co-operation rather than to impose Authority program ideas on the Corporation.

- (b) because it infers that the Authority is not satisfied with the performance of ACCESS.

Of course conditional funding infers some dissatisfaction with the performance of ACCESS. In a word the dissatisfaction of educators with ACCESS is that much of its activity is deemed to be irrelevant [emphasis in the original] as far as their perception of educational needs is concerned. Conditional funding should ensure that the responsibility for a portion of ACCESS activities be shared between ACCESS and responsible educators.

2. It is suggested that the Ministers either meet directly with Chairman of the Board of ACCESS as soon as possible or invite the Chairman of the Board of ACCESS and his "senior advisors" to meet with the Ministers and their "senior advisors" [emphasis in the original].

March 17, a letter was sent to Morton by the Honourable Mr. Justice Michael O'Byrne confirming a meeting date between O'Byrne and the two Ministers for March 25. The results of the meeting were described by Morton, a year later, as follows:

In the spring . . . some of the difficulties were resolved. Conditional funding under the name "Special Project Fund" administered by the Authority became operational April 1 [1976]. (Morton, "Report, ACCESS—Special Project Fund," September, 1977)

The ACCESS Third Annual Report described the "Special Project Fund" mode of financing as follows:

The Authority's decision to establish a Special Project Fund led to changes in the financing of productions. One million dollars of the ACCESS budget was set aside for productions specifically controlled by the Department of Education and the Department of Advanced Education and Manpower. (Alberta Educational Communications Corporation, "ACCESS Third Annual Report, October 17, 1975-October 16, 1976," February 14, 1977)

On the face of it, the funding issue had been resolved. Beneath the surface, however, the "burning" issue of the Corporation's "independence" continued to smoulder.

Developing New Guidelines and a Program Decisions Model

It was the Policy Planning Advisory Committee's task to review the Guidelines (February, 1975) and the Program Decisions Model. Shorter, however, requested that "the AECA withhold any major revisions of the AECA Program Policy Guidelines for at least a year (the year to begin December 11, 1975)." Shorter communicated this request in a letter to Morton (February 5, 1976) as a motion which had been passed by the ACCESS Board of Directors.

February 24, 1976, a motion of the Program Policy Advisory Committee, passed at their meeting (February 24, 1976) was communicated to the Authority. It read as follows:

That whereas a Program Decisions Model was submitted by the Program Policy Advisory Committee to ACCESS for discussion and implementation in May, 1974, and whereas protractive negotiations have been taking place between Alberta Educational Communications Authority and ACCESS without positive response. Be it resolved that the A.E.C.A. direct ACCESS to establish a formal mechanism between itself and the Alberta Educational Communications Authority to ensure that

(a) All educational proposals for acquisition, production or

distribution by ACCESS are prioritized within the Program Policy Guidelines,

-
- (b) There is consultation between ACCESS and the responsible educational authority throughout the production of any educational program or project.

And further that such a mechanism be implemented by September 1, 1976.

It is of interest to note that Dr. James Hrabí was the only member of the PPAC who opposed this motion. During an interview Dr. Hrabí shared his reasons for dissenting:

I was never one of the great fans of the decisions model because it was too complex. . . .

.....

The real fact of the matter is, relationships are a function of people and you use these charts as a guide. . . .

.....

The inability to cut right through was the problem! (Interview, Hrabí, March 10, 1983)

March 1, 1976 Shorter sent a lengthy letter to Morton (in response to a letter of January 12, 1976 regarding ACCESS Radio CKUA and "Come Alive"). Shorter introduced his remarks with the following qualification:

I understand now from your remarks at our meeting with Dr. Hrabí, February 19,¹ that the letter is, in fact, not a directive but rather an expression of the Program Policy Advisory Committee.

Shorter then went on to defend ACCESS's policy toward CKUA as one which views "CKUA as mainly an enrichment vehicle." Regarding the ACCESS "Come Alive" television series, Shorter had this to say:

This series of recommendations is source of some frustration to ACCESS staff as I mentioned to you verbally at our meeting of February 19. If an ACCESS representative were present at meetings of the Program Policy Advisory Committee of the

¹ It will be recalled from the discussion earlier in this chapter, that a meeting had been requested by the Honourable Mr. Justice Michael O'Byrne in a communication to the Ministers, dated February 18, 1976.

Authority,¹ more efficient communications could take place on changes of process.

.....
We are continually trying to improve all of the things you mention within the limits of our resources.

.....
Speaking personally, I find it dispiriting that your Program Policy Advisory Committee has never acknowledged any such progress. (Letter, Shorter to Morton, March 1, 1976)

The Program Policy and Advisory Committee continued their review process and to develop their Program Decisions Model. The final version was approved and amended by the Committee, June 4, 1976, and transmitted to the Corporation for their approval. Morton's letter, accompanying the document, was addressed to Chuck Williams, Vice-President, ACCESS. Morton expressed the hope that the "very simple Program Decisions Model based on earlier discussions" might "serve as the basis for continuing dialogue" (Letter, Morton to Williams, June 4, 1976).

As part of the review process, the Committee submitted a Brief to the Authority, entitled "The Role of ACCESS within the Educational System in Alberta: Definition," July, 1976. This Brief was developed because the Committee had concluded that it would be impossible to continue to advise the Authority on the programming activities of ACCESS without first clarifying the ACCESS mandate.

In developing their position, the Committee made clear their interpretation of the "independence" issue:

¹As a result of this letter, Shorter's request was granted. A reciprocal arrangement, however, was not forthcoming; that is, neither members of the Authority staff or its advisory committee, the PPAC, were invited to attend ACCESS Board meetings. This was described as "always a bone of contention" by Morton, during a telephone interview (June 15, 1983).

It is a requirement of the CRTC that the Corporation not be an arm of any department of government. The independence of the Corporation is operational independence, it is not separation from the goals of education in this province. (PPAC for AECA, "Role of ACCESS within the Educational System in Alberta: Definition," July, 1976)

The Brief pointed out that government "directions" would not violate the condition of the "arms-length" relationship required by federal policy, nor constitute an interference with the day-to-day operations of the Corporation.

In conclusion, the Brief proposed the following working definition of the ACCESS role:

THE ROLE OF ACCESS WITHIN THE EDUCATIONAL SYSTEM IS FUNDAMENTALLY THAT OF A TECHNICAL RESOURCE AND DELIVERY SYSTEM RATHER THAN AN ALTERNATIVE TO THE EDUCATIONAL ENTERPRISE [emphasis in the original]. (PPAC for AECA, "Role of ACCESS within the Educational System in Alberta: Definition," July, 1976)

The PPAC Brief was forwarded in the usual manner, first to ACCESS (in the draft stage), then through the Authority office to the Minister (in its final form), accompanied by a letter from the PPAC Chairman. In the letter of transmittal, PPAC Chairman, Betty Garbutt, expressed the hope that the Minister would reply with a written statement, "particularly in view of the increasing public attention ACCESS activities appear to be commanding" (Letter from Betty Garbutt to the Hon. Julian Koziak, August 16, 1976).

The Brief was forwarded by the Minister to ACCESS. As could be expected, Larry Shorter, President of ACCESS, reacted immediately (August 27, 1976):

I do not wish to be disrespectful, but it appears to me that one of the key purposes of the PPAC paper was to define a role for ACCESS so that it could then define a role for the AECA. I have no disagreement with this method because, in fact, we have been working on its corollary. That is, we have

been trying to define the role of the AECA so that we could define our own role. Actually, the situation is quite humorous: here are the two of us with a snarled-up ball of string between us; we are trying to unravel it from your end and you are trying to unravel it from ours. (Letter, Shorter to Sunohara, Assistant to the Director, AECA, August 27, 1976)

Shorter proposed a "re-addressing" and a "re-examination" of "our beginnings"—"our structural foundation." In so doing, however, his position was the antithesis to that of the PPAC:

We are more than a technical resource and delivery system. . . . The "total educational enterprise" seems to include more territory than that under the jurisdiction of the two departments of education and that in its further education end, . . . there is a lot of unorganized territory without institutional back-up.

We certainly agree that we must consult widely in this unorganized area. But there is a structural problem. We are not supposed to have advisory committees. The PPAC, which does handle that role is effectively separated from ACCESS by the AECA. We are thus separated from our users representatives. (Letter, Shorter to Sunohara, Assistant to the Director, AECA, August 27, 1976)

Shorter argued with the major thrust of the PPAC paper (that ACCESS must relate more directly to its users); however, he felt that the structures in place were preventing this from occurring:

As things stand now we are effectively separated from the representatives of the enterprise which we have been established to support.

We need to be part of certain AECA/PPAC deliberations. We must work in tandem; a CRTC model [proposed in the PPAC Brief] would only spawn further suspicion. It may be that the PPAC has suggested this CRTC model because it is overconscious of the constitutional niceties relating to ACCESS independence. (Letter, Shorter to Sunohara, Assistant to the Director, AECA, August 27, 1976)

Shorter's perception of the situation was that the problem was largely "structural." During an interview (April 12, 1983) he speculated:

There are some structures which can be set up to purposely avoid that happening. The fundamental problem is that there is an adversarial relationship structured between the Authority and the Corporation . . . in addition there were personality problems. (Interview, Shorter and O'Byrne, April 12, 1983)

O'Byrne's perception differed somewhat from Shorter's:

I don't agree. It was not a structural problem, it was a power play—with the power play you impose a structure . . . I don't think the structure was important. What is important is the cause and effect. The cause was the power play which means control ACCESS. In order to do that you put the structure in place. So the problem is not the structure. It's the power play. (Interview, Shorter and O'Byrne, April 12, 1983)

Shorter continued:

They were acting like the Board. A Program Policy Advisory Committee. It was one thing to advise on program policy, but they were going into organization and they were acting like our Board. (Interview, Shorter and O'Byrne, April 12, 1983)

There was much consternation following the reception of Shorter's above mentioned letter of August 27, 1976. It was evident that the issue of the Corporation's independence remained unresolved. The Minister addressed this issue of "fundamental importance to education in Alberta" in reply to Garbutt's letter (August 16, 1976) and the Committee's policy statement (July, 1976, discussed above):

Because the issues to which the paper speaks are of fundamental importance to education in Alberta, I would want to give the committee's statement as much deliberate attention as I can.

I understand the Program Policy Advisory Committee is scheduled to meet on October 7 and 8. I will try to . . . provide you with my written reactions in time for that meeting. (Letter from Hon. Julian Koziak, Minister of Education to Betty Garbutt, Chairman, PPAC, September 14, 1976)

In the meantime, the Minister wrote to W. L. Hill, Acting Director of the Authority, requesting that Hill discuss the matter with the

AECA Executive Advisory Committee prior to the PPAC meeting October 7 and 8. It was obvious from the following excerpt that the Minister was feeling pressure for a more definitive government policy:

It has been stressed by the Authority staff on numerous occasions that the prime function of the PPAC is to advise the Authority (identifying the defining broad educational needs and priorities, and assisting in designating those which are most appropriately met through ACCESS capabilities). The Committee endorses this view, but thinks it is now at a point at which it requires more definitive Government policy direction, in order to execute its chief responsibilities. (Letter from Hon. J. Koziak to W. L. Hill, Acting Director, AECA, September 13, 1976).

Neither the "definitive government policy direction" or the "written reaction" to the PPAC Brief (which Betty Garbutt had requested, August 16, 1976) were forthcoming. The Minister (The Honourable Julian Koziak) apologized in a letter to Garbutt (October 4, 1976). It was Morton who, in the end, reviewed the PPAC document at the request of the Minister. Morton's response, entitled "Statement of Assumptions: AECA and ACCESS" (October 1, 1976) was discussed with the Deputy Minister, Dr. Hawkesworth, then forwarded to the Minister, October 4, 1976. The "Statement of Assumptions" was, in effect, a recapitulation of Section 6(1)(b) of the AECC Act, pointing out that this section empowered the Authority to issue "directions" to the Corporation. The position taken read as follows:

The Authority assumes while under the Act, the directions may take whatever form it deems appropriate, that under almost all circumstances, directives will be in the form of guidelines or recommendations, such guidelines or recommendations to be formulated on the advice of the Authority's Program Policy Advisory Committee. At the same time the Authority recognizes the right of the Corporation to question any directives in whatever form, and further recognizes the responsibility of the Corporation as a holder of certain licences to broadcast.

The Statement went on to recognize the essential role of "consultation" between the Corporation and members of the "educational community" in order for the Corporation "to fulfill its role within the total educational system of Alberta" (Morton, "Statement of Assumptions: AECA and ACCESS," October 1, 1976).

Accompanying Morton's "Statement" was a letter (October 4, 1976) requesting that the two Ministers, the Honourable Julian Koziak and the Honourable Bert Hohol, provide a reaction to this paper prior to the October 7 and 8 PPAC meeting. Koziak, however, sent the "Statement" directly to the PPAC with a request for their response prior to their Committee's transmittal of the document to the ACCESS Board of Directors.

In the meantime, the Authority's staff (Morton and his assistant, Vi Sunohara) were attempting to devise and operate a mechanism whereby ACCESS programs were reviewed by members of both Departments of Education. The Program Decisions Model which had been approved and amended June 4, 1976 (by the PPAC) was finally accepted and adopted by the ACCESS Board at their meeting October 1, 1976. The Decisions Model was still not operational in December, 1976, as was indicated by the following AECA paper:

A formal mechanism to put the model into complete operation must still be devised and agreed to by ACCESS (Vi Sunohara, "ACCESS Programming: Mechanisms to View and Comment on the Acceptability of Programs," December, 1976).

Shorter did not see the necessity of devising such an elaborate structure. He expressed his view, "a view shared by our Board of Directors, and minuted as such," in a memo to Morton (December 21, 1976) which read as follows:

. . . merely expresses the frustration of a corporation which must rely upon others in the identification of needs and the amount of resources to be devoted to those needs and yet is held accountable for how well it is meeting needs and the efficient allocation of resources. That, and the fact that our whole feedback loop contains many barriers.

As a personal observation, I have never thought it necessary for ACCESS to show boundless veneration for the AECA structure; a successful operation is still quite feasible given substantial agreement. As Bert Hohol said recently, "we are honourable men and honorable men can disagree honorably."

Developing "Directives"

Meanwhile, in keeping with its mandate to advise the Authority (with respect to Sections 6(1)(b) and 6(3) of the AECC Act¹), the ongoing task of the PPAC continued: the process of revising the needs and priorities within the Guidelines (issued February, 1975), and evaluating² ACCESS programming. The Guidelines revision was completed in January, 1977. A final draft, "Government of Alberta Recommended Positions with Respect to Alberta Educational Communications

¹It will be recalled Section 6(1)(b) of the AECC Act has to do with issuing "directions" to the Corporation, and 6(3) has to do with evaluation and assessment.

²It had been noted in an earlier section of this chapter that the PPAC had endorsed the principle of an independent external evaluation. Dr. Kenneth Bowers of the Faculty of Education, University of Alberta, was asked by the Committee to prepare a design for a comprehensive evaluation of ACCESS and the AECA. This was transmitted to the Ministers with an accompanying letter (Letter from Alan Robertson, Chairman, PPAC to Hon. Julian Koziak, March 24, 1977) which read as follows: "In forwarding this document as a conceptual framework, the Committee's principle concern is that regular objective evaluation be accepted as a matter of course by those who work in the public interest."

This evaluation was never sanctioned. According to Chuck Williams (when interviewed March 14, 1983), "an election got in the way." Dr. Bowers conducted a short study on attitudes of educators to ACCESS and its services (completed June, 1977). The study revealed a generally favorable attitude to ACCESS and its potential, but a lack of knowledge of ACCESS services.

Corporation February, 1977," was transmitted to the Ministers in March. In response to a request for "comments and recommendations," Dr. James Hrabí made his views known in a memo (March 18, 1977) to Dr. Hawkesworth (who had initiated the request). Some of his views read as follows:

How is it intended that ACCESS will be made aware of general policy decisions of the Government of Alberta unless the authority has some clear-cut way of delivering to the ACCESS Board of Directors these general policy positions? It is unreasonable to expect ACCESS to comply with unknown policy positions.

In addition, Dr. Hrabí took strong exception to increasing the control over ACCESS's funding:

. . . means that all funds of ACCESS are special project funds. This is not my understanding of the circumstance nor is it a circumstance that I would react to positively. I think the present notion of special project funding is excellent, but I can see no reason why other funds of ACCESS cannot be used in response to the education community as a whole. (Memo, J. S. Hrabí,¹ Associate Deputy Minister to Dr. Hawkesworth, March 18, 1977)

Morton responded to this critique with frustration, as is evidenced by his memo to Dr. Hawkesworth (March 31, 1977):

We have established the Authority for the precise purpose of relating policy in educational matters to ACCESS activities.

.

. . . topics which may be developed into programs, the onus should be on ACCESS to consult with appropriate people in the Departments concerned. This office can be of assistance but I do not think we need to organize a "clear cut" way to deliver to ACCESS Board of Directors a list of policies to be followed.

The principle involved here is a crucial one in my view.

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Now I am perfectly willing to concede that it may be a good

¹ Dr. Hrabí had by this time completed his service as Departmental Representative on the PPAC and was now the Department of Education's representative on the ACCESS Board of Directors.

thing to do some of these things¹ but not by a government-funded corporation designed to produce educational materials.

I agree with Dr. Hrabi that it is unreasonable to expect ACCESS to comply with unknown policy positions - such as that related to communications for example - but I do not think it is unreasonable for Access to consult with appropriate persons within the Government of Alberta.

In a memo to Dr. Hawkesworth (April 4, 1977), Dr. Hrabi responded to Morton's comments, reiterating his position with regard to policy positions of the government of Alberta:

. . . is absolutely unreasonable for ACCESS to be aware of general positions of government unless these positions of government are communicated to ACCESS. Certainly ACCESS should not be criticized because the staff has not been successful in ferreting out a particular general policy position of the Government of Alberta.

In addition, Dr. Hrabi made the following suggestion:

If this paper is to be communicated in its present form to ACCESS, I hope that it is done in a manner such that there is opportunity for ACCESS people to question the Authority people to catch nuances as to interpretation.

April 12, 1977, a letter of transmittal accompanied the document entitled "Policy Directives for Programming in Educational Communications." This letter, written by Morton, and addressed to Shorter, declared that the document had first been submitted to the Authority for approval. The letter then went on to state the following:

Pending official consideration of this document which could result in approval and subsequent transmission to the Corporation I have been instructed by the Executive Committee of the Authority to provide you with a copy. The committee would appreciate the reaction of the Corporation before moving to a final decision on this matter.

¹Morton was referring here to what he considered to be "counter-educational" programming of the OECA, outside the boundaries of "educational programming." Morton was fearful lest the Ontario model be emulated in Alberta.

Shorter responded to the AECA Executive Committee, expressing some concern with the "Directives":¹

I have received a copy of the draft document entitled "Policy Directives for Programming in Educational Communications" which you forwarded for reaction. I am supplying copies of the document to the members of our Board of Directors for their discussion and reaction at our next Board meeting on Thursday, April 28. I will report the corporation's reaction after that date.

However, I have an immediate interpretive concern which will be extremely crucial in framing our reaction. I believe that only the Executive Committee can address my interpretive concern and I would request a reply prior to our upcoming Board meeting.

As I see it, we must decide just what this document is before we can react intelligently. The question is: what is a policy directive?

The best definition of a "policy" that I am aware of is the one accepted by the Department of Advanced Education and Manpower. It goes:

"A policy is a philosophically-based, goal-oriented, problem-centred directional guide to future discretionary action."

If this definition is accepted, then can we assume that this document directs us to treat its contents as "philosophically-based, goal-oriented, problem-centred, directional guides to future discretionary action." And, if so, what are its goals, what problems is it intended to remedy, and what discretionary latitude is intended?

On the other hand, maybe another definition of policy is intended. If so, we need to have a statement of that definition.

A third possibility exists: that is, these "policy directives" are actually regulatory directives and that the latitude ordinarily encompassed by the word "policy" is not intended here.

Can you advise us just what the document is intended to be? Since it may be germane, I attach a copy of our own GST (Goals,

¹The problem, it seemed, was the use of the word "directives." During the course of an interview (April 12, 1983), The Honourable Mr. Justice Michael O'Byrne referred to "the problems we had over the first Guidelines . . . and they came out with a different phrase from Guidelines—they came out with 'Directives.'"

Strategies, Tasks) newsletter showing ACCESS policy development procedures up to this point. (Memo, Larry Shorter, President, ACCESS to AECA Executive Committee, April 20, 1977)

Morton had been away, "attending to Council of Ministers of Education, Canada, business." He was therefore not able to reply to Shorter's memo until April 25, 1977. His response read as follows:

. . . It is simply not possible I am afraid to deal with this at the Executive Committee level in time to get a reply to you before your meeting.

However in the meantime I think I would be reflecting the views of the P.P.A.C. that each of the components in the definition accepted by Alberta Advanced Education and Manpower can be found or inferred by a careful reading of the document.

In any case it seems simpler to defer to the Concise Oxford Dictionary in lieu of mutually acceptable definitions in a more specialized sense. The C.O.D. defines directive as "general instruction for procedure or action" and policy as "course or general plan of action to be adopted by government, party, person, etc."

It may be useful to have a committee of the ACCESS Board and a committee of the P.P.A.C. meet together to clarify such points as you raised in your memorandum.

Hawkesworth followed up the next day with a letter to Shorter (April 26, 1977) which read:

Your recent memorandum which asked how the P.P.A.C. document should be interpreted raises some interesting semantic problems. We have scheduled a meeting of the A.E.C.A. Executive next week and your memorandum has been placed on the agenda.

However I would hope that the concern which you have expressed will not inhibit the Corporation's Board and staff discussing the document in the form which we have received it from the Advisory Committee. We are particularly interested in knowing what difficulties ACCESS would encounter in fulfilling the "policy directives" as they are described in the P.P.A.C. document. We would also expect that opportunities will be provided for both formal and informal talks involving the major parties concerned in order to clarify the program policy statement and assess the effect its implementation may have on the Corporation.

Soon after this flurry of correspondence, a request was circulated for a joint meeting of the Executive Committee of the Program Policy Advisory Committee to the AECA and the Executive Committee of the Board of Directors of the AECC.

Speaking on behalf of the PPAC, Chairman Alan Robertson responded in a letter (May 5, 1977) addressed to the Honourable Julian Koziak. In his letter, Robertson presented what he considered to be the central issue: who is responsible for formulating educational policy, "a non-elected government corporation" or "elected officials, i.e. Ministers designated by the Lieutenant Governor in Council." If the former were the case then "the Corporation would be exercising powers that belong to the elected representatives of the Province without being responsible to the electorate of Alberta."

This position was synonymous with that always held by Morton (discussed above). Robertson, however, concluded with the following statement:

It is the Committee's opinion that the Alberta Government must make the major policy decisions with respect to educational communications, since the government is the democratic body that can be held accountable by its electors. For this reason the Committee is prepared to accede to your request on the understanding that discussion at such a meeting be limited to clarifying the policy directive document and not in any way be construed as negotiating for the purposes of modifying the document. (Letter, Robertson to Koziak, May 5, 1977)

Morton recapitulated his position in a document entitled "AECA—Current Issues" (May 31, 1977). As always, the ubiquitous issue was that of the independence of ACCESS. Morton's document recorded that "Mr. Shorter has advised that the CRTC still has concerns about the independence of ACCESS." In addition, Morton expressed concern that

"the new 'directives' if forwarded as they are to ACCESS, could create problems."

In Morton's view, the two basic yet dichotomous questions he had posed a year earlier in his document "ACCESS and the Government—The Issue of Control" (March, 1976) still remained unresolved.

- Is ACCESS independent enough so that it can prevent direct political control of the content of its programming?
- Is ACCESS controlled enough so that it can be used in significant ways to fulfill educational purposes which are recognized as important within the total educational systems?

An amendment to the AECC Act (1973) was not, however, the solution to this dilemma:

The Authority made clear that the government is not nor will not be disposed to amend the Act to give ACCESS any greater degree of independence than is now provided for. (Minutes, AECA meeting, June 1, 1977)

The "great concern" regarding the Government's position was expressed on behalf of the ACCESS Board by Justice O'Byrne in a letter addressed to the Ministers dated June 13, 1977. O'Byrne's letter acknowledged receipt of the Policy Directives, but requested more time in order to prepare a comprehensive reply. The Board wished the present document to be tabled until late September, when a reply would be forthcoming.

In the meantime, the Minister had communicated to L. Hill, Acting Director, AECA, June 8, 1977, requesting that the PPAC meet to review its position regarding the "Policy Directives for Programming in Educational Communications." The meeting was held, as requested, June 16, 1977, and the following Motion passed:

THAT THIS DOCUMENT RECOMMEND TO THE A.E.C.A. THAT THE DOCUMENT AS PREVIOUSLY TRANSMITTED BE FORWARDED TO THE

ACCESS BOARD WITHOUT CHANGE, AND THAT THE COMMITTEE WOULD BE PLEASED TO MEET WITH BOTH THE BOARD AND THE STAFF MEMBERS OF ACCESS ON A CONTINUING BASIS TO REVIEW THE PROBLEMS RAISED BY THE "POLICY DIRECTIVES FOR PROGRAMMING IN EDUCATIONAL COMMUNICATIONS" AND TO CLARIFY THE INTENT OF THE DIRECTIVES AS THEY ARE APPLIED, AND THAT THE COMMITTEE WOULD WELCOME THE OPPORTUNITY TO ATTEND ANY MEETING WHICH MAY BE HELD BETWEEN THE MINISTERS AND MEMBERS OF THE BOARD OF ACCESS [emphasis in the original].

It is apparent from the meeting with ACCESS that there are areas of misunderstanding about the intent and substance of the directives that can be clarified by further meetings between the two groups. We are prepared to continue our initiatives to achieve this clarification in areas where there may be semantic misunderstandings or procedural difficulties.

However, there would also appear to be substantial differences which focus on the nature of the independence of the corporation. The Program Policy Advisory Committee has articulated the position in the proposed directives that ACCESS is an independent corporation within a policy framework and functions within an agreed upon procedural process. We stand by this position and our advice on this fundamental question is incorporated within the proposed directives.

This committee stands ready to take any and all initiatives necessary to deal with procedural and semantic difficulties. On the fundamental policy issue we stand firm in the advice we have offered. (Letter from Alan Robertson, Chairman, Program Policy Advisory Committee to The Hon. Julian Koziak, Minister of Education)

Morton followed up and reinforced the position stated by the Committee in a letter to the Minister (Honourable Julian Koziak)

July 7, 1977:

I would recommend that the advice of the P.P.A.C. be followed and that the document be transmitted to ACCESS as soon as possible with the following revisions.

- (i) In the title of the document the word "policy" be dropped. In fact only the first part, "General", deals with policy in the usual sense of the term. The new title would be as follows, "Directives to the Alberta Educational Communications Corporation, September 1, 1977".
- (ii) The page immediately following the title page should be revised according to the alternative wording attached. This does two things: it says that the Authority endorses

the directives in principle and intent which leaves no doubt it seems to me about what ACCESS' role is intended to be, and, it provides an opportunity for ACCESS to respond as Justice O'Byrne suggests in his letter. The question about the future role of ACCESS is one for the Authority to decide on the basis of advice from both the P.P.A.C. and ACCESS, as well as any other sources which may prove to be useful.

Morton suggested some other, more minor revisions, and concluded with the following:

"For purposes of this document the word "directive" shall mean "general instruction for procedure or action". The Concise Oxford Dictionary, Sixth Edition".

During the remainder of the summer months, further consideration was given to the "Directives" by all parties concerned.

Morton prepared a document which compared the Authority's "Guidelines" statement (February, 1975) with the Program Policy Advisory Committee's recommended "Directives." Morton had written this comparison for purposes of supplying further background information to the Ministers. The document was sent to the Honourable J. Koziak, Minister of Education, and the Honourable A. E. Hohol, Minister of Education, with an attached letter, dated September 8, 1977.

In his letter (September 8, 1977), Morton stated his intentions and that of the PPAC as follows:

While the intention of the P.P.A.C. is clearly to make the Authority's statement to ACCESS more rigorous, the meaning of "Directives" as defined in the Preface on Page 1 should stress the word "general". This would demonstrate that while the Authority wishes to communicate to ACCESS the direction it expects the Corporation to go, it has no intention of directly controlling its day to day operations.

An analogy might be made to a School Board. While teachers working for the Board must follow the provincial Program of Studies, there is a great deal of scope for initiative in both administrative and curriculum decisions at the local level. Furthermore, the prescription of a provincial Program of Studies

is not perceived as political control of the educational system.

With regard to the Program Decisions Model, Morton had the following comment to make:

Since ACCESS began, the Authority staff and staff people at ACCESS have developed various ways of processing program proposals from whatever source. The object of the process was to ensure that decisions to go ahead with the production and distribution of program proposals should be made after they had been reviewed by people in the province who by virtue of their positions (curriculum directors, etc.) or their expertise (subject specialists) should provide important input. It should be stressed that since this process has been going on, regardless of the priority rating given to any given program, ACCESS staff have made the decision to produce or not to produce. The Authority in no way exercises a veto over the decision although a low priority rating has sometimes been construed in this way. However, I have recently modified the form on which we transmit comments to ACCESS to eliminate formal priority rating. Instead, the comments themselves will reveal what priority has been given to the proposal by those who have been asked to comment.

If ACCESS complains about the heavy hand of the Authority in this regard, it should be pointed out that none of the program decisions related to CKUA have ever been referred by ACCESS to the Authority and only a few of the television programs being broadcast this season have gone through the process. Decisions with respect to all of the others were ACCESS decisions. (Letter, Morton to Koziak and Hohol, September 8, 1977)

The ACCESS Board of Directors made its position known, as had previously been promised by The Honourable Mr. Justice Michael O'Byrne (in his letter of June 13, 1977 to the Ministers).

A letter from O'Byrne to Koziak and Hohol dated September 15, 1977 stated the Board's reaction to the "Directives" document, some of which read as follows:

The new title is certainly an improvement over the older one. More importantly, the definition you have used for the word "directive" assures us that our Board retains specific policy responsibility for ACCESS. We are satisfied that within the stated generality of these directives, we may exercise appropriate discretion.

Since you have endorsed these directives, it would be our desire to do so as well. If this were possible, we could then establish a united front, with ACCESS sharing public responsibility and accountability. As the directives stand now, we find we are unable to endorse them. If they could be modified in line with the suggestions we are about to make, we would endorse them.

Under "Role of the Corporation," O'Byrne added:

Under this fundamental section our Board gladly endorses the statement that our principal role is in support of the two departments of education and their agents. This will always be our major function.

However, a "clearer delineation" of "supplementary roles" was requested:

We would like, also, a statement of our supplementary roles. In keeping with our original mandate, and as confirmed by the interests represented on our Board, we see two supplementary roles:

- (1) in support of the educational objectives of other departments of the government, especially in culture, agriculture, consumer affairs, environment, public safety and health;
- (2) in furthering the cultural, artistic and recreational opportunities afforded the people of Alberta.

We, therefore, request that these two supplementary roles be expressed in 1.1.

Regarding "Apportionment of Financial Resources" O'Byrne commented as follows:

So that all may be clear concerning the proportion of principal programming to supplementary programming, we request the inclusion in this section of the following overall percentages, as referenced to the total cost of our programming activities, excepting Radio CKUA.

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Suggested Percentages:

Principal Programming	- 80%, or more . . .
Supplementary Programming	- up to 20% . . .

In summary, O'Byrne concluded:

May we respectfully suggest that you soften the general tone of language. In its present form, the document may arouse needless controversy. It has already aroused controversy within our Board. The overall impression is of one-sided, unilateral regulation. We are eager to work towards more bilateral agreements and to end what some believe has become an adversary relationship.

The Special Projects Fund gives complete control over a significant portion of our program budgets to your two departments. The extent of this control at the present time, together with the additional restraints posed by these Directives, will make the successful operation of ACCESS a difficult enterprise.

We feel ACCESS has made a significant contribution to the knowledge, understanding and life enrichment of the people of Alberta. What we are talking about can be measured in large part by reference to the composite research. We have discovered it also in hundreds of letters of appreciation received by the Corporation, and in conversation with people in every corner of the province. Many people have come to rely upon ACCESS's dedication to the public interest. We feel this positive contribution should now be placed on the scales. Certainly we have also had criticisms. We believe we have benefitted from these criticisms and that many further improvements in our services will become more obvious this Fall. (Letter, O'Byrne to Koziak and Hohol, September 15, 1977)

Following the reception of O'Byrne's letter "the whole question of the Directives is now a matter between the Ministers and ACCESS" (Minutes, PPAC Meeting, September 22, 1977). The minutes¹ also reported that considerable discussion was generated on the relationship between ACCESS and the Authority, and the "Directives" document "deemed unacceptable" in so far as "some of the Board members were concerned as it seemed to indicate that the Committee and the Authority were in an adversary position." The minutes went on to state:

¹Mr. Shorter and Mr. Williams joined the meeting during the afternoon session. During the discussion Mr. Morton suggested that if he were invited to ACCESS Board meetings it might help to improve communications. (This request was never granted.)

Committee members expressed their concerns and frustrations regarding present communications with ACCESS and the Ministers. It was suggested that these relationships be clarified in a PPAC meeting with the Ministers arranged at a time and in a location convenient for the Ministers. Dick Morton is to arrange this meeting. (Minutes,¹ PPAC meeting, September 22, 1977)

Later the same day (September 22, 1977), a meeting was held with officials from ACCESS, the AECA and the two Ministers in attendance. Just O'Byrne outlined the reaction of the ACCESS Board to the "directives." The minutes of their meeting recorded the following:

Justice O'Byrne expressed concern that the relationship between ACCESS and the AECA, particularly the PPAC, was felt to be an adversary one. It involved a "human relations problem". It is the view of the Board that it and the PPAC seem to be working at cross purposes and the feeling was "hell, let's get it together." The language of the directives document has an adverse effect on the Board. The style and content of some of the directives were absolutely unnecessary. Justice O'Byrne has "never heard of anything that the Authority wanted that ACCESS did not do."

Justice O'Byrne warned that there were serious political implications in this for the Ministers. Dr. Snedden² confirmed this. (Minutes of meeting between ACCESS and AECA, September 22, 1977)

The minutes went on to report that Mr. Koziak's response was that there was no intent to create an adversarial situation. Dr. Hoho¹'s response was that the Ministers (of Education, i.e., the Authority) "had to listen not only to ACCESS but the PPAC and several other publics. It was like a 'political balancing act'" (Minutes of meeting between ACCESS and AECA, September 22, 1977).

The Honourable Mr. Justice Michael O'Byrne shared his perceptions

¹The minutes also stated the following: "The PPAC has affirmed in no uncertain terms its stand with respect to the Directives and has sent these to the Ministers with a request that these be transmitted to ACCESS."

²Dr. Snedden was subsequently appointed to the position of Chairman of the Board of Directors of ACCESS after Justice O'Byrne abdicated this position in 1979.

of the meeting:

They arrived with their leaders and we came with our leaders and they had their tape recorders at their end of the table and we had our tape recorder at our end of the table. It was amazing. . . . and we're all working toward education in our great province. (Interview, O'Byrne, April 12, 1983)

Williams, who also attended "that delightful meeting,"

described what took place in more colorful terms:

. . . The problem was never resolved . . . it reached its climax at that meeting . . . held at the direction of the Minister (Koziak) . . . to stop fighting and hold a meeting . . .

It was an attempt to resolve the feelings of animosity and distrust.

Many of them had personal axes to grind.

Meeting of representatives of the PPAC and ACCESS Board . . . part of the governance thing. . . .

And it all came together in that 'delightful meeting' where everybody brought their tape recorders. . . .

The meeting symbolized the clash of these two groups. (Interview, Williams, March 7, 1983)

October 1, 1977, an article appeared in the Edmonton Journal

(by Jim Waters) with the title: "Government too overbearing, claims ACCESS board." Its lead paragraphs stated the following:

Directors of ACCESS are fighting what they consider the dictatorial attitude of government toward the educational broadcasting agency, The Journal has learned.

A confidential report, signed by Mr. Justice Michael O'Byrne for the ACCESS board of directors, states recent directives from the province create an impression of "one-sided, unilateral regulation."

The article also reported the following:

The directors went as far as to request the ministers' program policy advisory committee rewrite portions of its

26-page document outlining new directives for ACCESS, the operating name of Alberta Educational Communications Corp.

"In its present form, the document may arouse needless controversy. It has already aroused controversy within our board," states the directors' terse, two-page statement obtained by The Journal.

"We are eager to work towards more bilateral agreements and to end what some believe has become an adversary relationship."

According to ACCESS sources, the explicit wording in several sections of the directives—due originally to take effect today—prompted strong objections.

The article went on to discuss that "supplementary roles" of the Corporation would be "spelled out in the directives." Some examples were the following: "other government departments" and "advancement of cultural, artistic and recreational opportunities for Alberta residents."

The cumulative pressure resulting from the Edmonton Journal article, the meeting, and Justice O'Byrne's letter (September 15, 1977) had their desired effect.

The Honourable Dr. A. E. Hohol and the Honourable Julian Koziak formally acknowledged Justice O'Byrne's letter (September 15, 1977) in a letter of transmittal accompanying a revised "Directives" document. In their letter, the Ministers stated the following:

It appears that the process of discussion which began in May and which included the joint meeting of PPAC members with your own, a further meeting of the PPAC, your own response and our own formal and informal exchanges has served its purpose. As a result of these discussions some changes have been made in the "Directives" document which, while not answering all the matters raised in your memorandum, recognize many of the concerns which you expressed to us. (Letter, Hohol and Koziak to O'Byrne, November 14, 1977)

Revisions to the Directives were indicated, and a copy of the

revised Directives included with this letter.

The Directives, however, were not accepted in this form, for another factor intervened. The CKUA¹ licence renewal application was to be heard at a CRTC hearing to be held in Edmonton, December 13, 1977.

The Canadian Radio-Television and Telecommunications
Commission Hearing, December 13, 1977,
Edmonton, Alberta

The question of "directives" and the Corporation's independence was raised, once again, at the December 13, 1977 hearings (as had been the case in the two previous hearings discussed in the previous chapter). The Honourable Mr. Justice Michael O'Byrne presented the AECC case (accompanied by Larry Shorter and CKUA Managers Jack Hagerman and Ed Kilpatrick). The question period, following the presentation, was launched in an almost identical fashion to that of the previous hearing (1976). The minutes of the proceedings report the question being asked "what would happen in the case that the directives you received from the Minister(s) . . . would go beyond what the Board think is within education" (pp. 11-12). O'Byrne answered as he had before: "we wouldn't follow the directives."

One of the CRTC Commissioners then queried O'Byrne on "a matter that was gone over at the previous hearing [1976] . . . the concept of the independence of the Corporation . . . interference . . . from the authority" (p. 21). O'Byrne responded as follows:

Well, I would say that there has been no interference. In recent times, we have been reviewing a new set of directives,

¹At the Canadian Radio-Television and Telecommunications Commission's hearings held September 8, 1976 in Ottawa, ACCESS was successful in gaining a four-year renewal of its television licence but only a two-year renewal of the licence for CKUA Radio.

and the Board of Directors was not entirely happy with the nature of those. These directives, of course, hadn't come from the authority directly. They had come through an Advisory Committee composed of educators from across the province, who were advising the authority.

These directives were sent to us for our reaction, and we reacted, and made a submission to the authority, expressing our views of what the Advisory Committee had prepared as a draft set of directives. We have gone through a couple of revisions of those, and that is the present state of them.

I can say frankly that the Board of Directors was not at all content with the nature of the directives. It was our view that there had not been enough liaison between educators, the Ministers, and the Board of Directors of Access. That problem has been, I think, greatly resolved in the sense that both sides realize that for us to be effective in our role, we have to have much more bi-lateral movement, and it was our view that some of the things that were going on appeared to us to be unilateral. (Minutes of Proceedings, CRTC Hearing, December 13, 1977, p. 22)

O'Byrne continued:

Frankly, the only fear that I have about the independence aspect of our Corporation is to ensure that the directives concern matters that pertain to education. . . . My own view is that education ought to be in the hands of the educators, and those Ministers who are responsible to the people of the Province of Alberta have a responsibility.

Well, I would expect in the not too distant future we'll finally resolve the matter of those directives, but I think that we have made great progress towards an understanding of our respective functions. For example, we have had various Committee meetings. We have met with people from an Advisory Board to the authority.

It has improved vastly recently, and I think it will continue to improve.

Shorter completed the explanation:

The authority is properly responsible for the supervision and assessment of programs under the definition . . . It, therefore, monitors our functions. In addition, the authority establishes the needs of the programs that we work on.

That is to say, they have prepared—right now we are working under a set of guidelines developed in February of 1975 . . .

I don't see necessarily a contradiction, because I think it's quite within the authority's purview to, after all being the

educational authority, make those recommendations. It can be difficult sometimes for us to follow them as totally as the authority may wish.

For instance, the definition of programming¹ and the authority itself wants every program to proceed from clearly stated needs and educational objectives. That sort of programming, as desirable as it may be, takes a lot of comprehensive preparation and a lot of money.

So, sometimes we wish a bit more freedom to do the thematic programming which meets the broad spirit of those objectives that may not be as detailed as some of the educators may wish.² (Minutes, CRTC Hearing, December 13, 1977, pp. 24-29)

The Role of the Program Policy Advisory Committee: Revisited

Early in the new year (January 9, 1978), the Policy Planning Advisory Committee met to discuss the "Directives" issue. The minutes of the meeting reveal the identification of the key underlying issue in the whole independence debate:

The intent of Bill 45 [the AECC Act] from the beginning was to establish a broadcasting capability that was related to educational needs of Albertans. The critical question lies in the relationship between the facility and the rest of government policy about providing educational services in the province. That's the question we've been wrestling with.

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¹ Recalling the discussion in Chapters 6 and 7, Morton had always seen the flaws in the broad and ambiguous definition of educational programming embedded in the federal "Direction" (OC PC 1972-1569). Morton had urged the provincial government to renegotiate a new definition of "educational programming" with the federal government.

² It is of interest to note here that the CRTC Decision 78-218 issued March 28, 1978, renewed the licence for CKUA for a four year period (expiring March 31, 1982). The two previous decisions had been for only two year periods. The concern, however, was once again expressed "regarding the potential for lessening of the independence of the Corporation inherent in the wording" of the Alberta Act. An indication was given that the Commission would be vigilant in monitoring this concern, but that it was for the present "satisfied" with the existing situation.

The critical question evolved from this interface—that's what the Directives are trying to address. The Committee will ask the Ministers if they subscribe to this policy view.

The minutes also recorded Mr. Koziak's request for members of the ACCESS Board and the PPAC to meet "at least annually" in order to improve communications. The Minister also "suggested" that the Committee discuss its mandate and bring it back to the Minister at a later date.

A sub-committee of the PPAC was established to comply with the Minister's suggestion to examine the PPAC mandate. They produced a document, the "Role of the Authority" which received approval and appeared in draft form (drafted by Morton) April, 1978.

The "Role of the Authority" (April, 1978) recommended¹ the following:

- (i) The Educational Communications Authority should be expanded to include a third Minister - either the Minister of Federal and Intergovernmental Affairs or the Minister of Telephones and Utilities should be added.
- (ii) The Authority should be given broader responsibilities under the AECC Act to include oversight over all communications devices used for educational purposes.
- (iii) The Authority should have an Advisory Council of 19 members which meets once a year made up of three committees of six members with particular responsibility in (1) Program Policy related to ACCESS and programs of other government departments; (2) Evaluation and Assessment; (3) Communications technology (hardware).

The PPAC document, "Role of the Authority," was the central

¹The Corporation was not in agreement with the PPAC's recommendations as was indicated by a memo to Dr. Hawkesworth (June 30, 1978) from Shorter. The memo refers to a note "approved by our Board of Directors" concerning "some dissatisfaction" which in Shorter's words "clearly relates to the Program Policy Advisory Committee's recommendations."

topic of discussion at a meeting of the AECA Executive Committee, held April 21, 1978. Attending the meeting were Dr. E. K. Hawkesworth, Dr. Reno Bosetti, Mr. Morton¹ and his assistant Sandra Beckman. The minutes of this meeting recorded a discussion of the document's recommendations.

Regarding the first recommendation:

Morton advised that the committee will bring forward a recommendation regarding the addition of a Minister to the Authority. It was agreed that adding a new Minister to the Authority² would make the process more complicated. A suggestion was voiced that such Ministers who have an interest in the Authority might be involved through deputies on the Executive Committee, not the full Authority.

Regarding the second recommendation:

It was agreed to change the word "oversight" to "leadership" and to spell out what is meant by "leadership" for the Department of Education spring planning session. AECA is to prepare a presentation including a detailed examination of implications for the session the last week in May.

Regarding the third recommendation:

There are presently 15 members on the Advisory Committee. It is felt that more representatives should not be added and that sub-committees should be formed. Three committees reporting to the Executive might be preferable. (Minutes, AECA Executive Committee meeting, April 21, 1978)

The Demise of the Program Policy Advisory Committee

The Report of the PPAC sub-committee was presented in its final form at the June 12, 1978 meeting of the PPAC. The Report was forwarded to the Minister, the Honourable Julian Koziak, accompanied

¹Mr. Morton's retirement date was noted as having been confirmed as of June 30, 1978 (Minutes of AECA Executive Committee, April 21, 1978).

²The Authority was expanded to include a third Minister (Telephones and Utilities) in 1980.

by a letter (June 19, 1978) from L. Alan Robertson,¹ Chairman, PPAC.

Robertson's letter read as follows:

The Program Policy Advisory Committee was created to deal primarily with matters of program policy. However, other advisory roles have emerged which, in the opinions of the Committee, should be considered by the Authority. Bill 45 [the AECC Act] permits "the provincial authority to establish one or more advisory committees for any purpose in connection with this Act." The Committee recommends three areas of continuing concern:

- (a) review of program policy;
- (b) the implications of current and future technology;
- (c) assessment and evaluation.

The Committee further recommends the appointment of three small task-oriented committees, each with appropriate specialist personnel and clearly defined terms of reference. The staff of the Authority would be responsible for the operation of the committees, would coordinate their activities and would prepare such reports and documents as may be required in connection with their duties. At times all three committees might meet together to take into account not only the special concerns of each Committee, but also the more general policy concerns which may affect their advice to the Authority. The success of these committees will depend both upon the skills and expertise of the individual members, but also upon the specialist knowledge of the Authority staff.

Further, the Committee is of the opinion that the coordinating role of the Authority is even more important given that the interest in education of departments of government other than the two departments of education is assuming significant proportions.

¹ The AECA Executive Committee minutes (April 21, 1978) recorded: "Mr. L. A. Robertson's Resignation" as Chairman of the PPAC. The minutes went on to report that Mr. Koziak asked Mr. Robertson to stay on until June "in light of the current review of the role of the PPAC."

It is of interest to note here a statement made by Robertson in a letter to Koziak (dated March 5, 1977, cited earlier in this chapter). According to Robertson, the PPAC considered its prime responsibility to be that of making policy recommendations to the provincial authority: "It does not consider itself as being answerable for these policy recommendations to either the President of the Corporation or to the Chairman of the Corporation's Board of Directors."

Finally, it is the opinion of this Committee that, with the transmittal of the revised ACCESS guidelines, the work of the Program Policy Advisory Committee as presently constituted is now complete. Accordingly, it is the Committee's recommendation that the committee be discharged from its present responsibility.

Members of the committee wish me to convey to you their thanks for the opportunity to serve the cause of education and have expressed a willingness to serve again in any future capacity relating to educational communications that the Ministers may require.

During an interview (April 2, 1983), Robertson elaborated:

The PPAC felt that their position as a program policy advisory committee had come to an end.

There were the '75 Guidelines, the '78 Guidelines. We came in with a revision of them dated '78. That was the last act of that committee. That committee said we've done the revision that you asked for, we don't see that we are of any further value.

We felt at that time that the Corporation, that is to say the President or Chairman of their Board of Directors, was actually in a position with a non-elected body to formulate policy, and we felt that this was subverting the role of AECA. If the Ministers felt this was the way it should go, then there was no point in having the AECA because we [the PPAC] were redundant. That is what our people felt.

It wasn't a question of anyone being miffed at all, it was saying do you really require any more input or could it not be served by subsequent ad hoc committees that might be struck.

On looking back to the reasons for the demise of the PPAC,

Dr. Hrabí shared his perception of the situation:

I was never very much in tune with the PPAC simply because I didn't think it was going to work very well. . . . I couldn't see how you'd have this committee which was advisor to the Authority, and the Board of ACCESS sitting out there. It became very obvious that the PPAC—de facto—wanted to run ACCESS—to become the Board of Access—wanted to constrain it in every possible way to the point where the ACCESS Board would have nothing to do for all intents and purposes. . . . and the Board [of ACCESS] seeking to enlarge their mandate . . . and the Authority, not wanting to relinquish control.

It was just a very difficult relationship—that committee simply had to disappear in order for anything to happen, in my view . . . they phased themselves out—but they were pushed a bit.

In any event, the Authority office complied with the Committee's recommendation. Hans Kratz, Acting Director of the Authority, recommended (in a memo to the AECA Executive Committee, Dr. E. K. Hawkesworth and Dr. Reno Bosetti, August 15, 1978) "that the Program Policy Advisory Committee be thanked for their past efforts and disbanded." The members of the Executive Committee transmitted this recommendation in a memo to the Minister (dated the same day, August 15, 1978).

In his above mentioned memo, Kratz also recommended that an advisory committee to the Authority be established to take the place of the PPAC. This suggestion was not followed, for as Shorter and O'Byrne described it, "in effect the Executive [Advisory] Committee became the Authority." Shorter elaborated:

The Ministers were off doing other things. They delegated that . . . That group just coalesced . . . There was nothing written in the prospectus or anywhere else . . . It just became a fact that the Ministers weren't able to deal with . . . and the deputies just put together their structure . . . and that especially became true when we were successful in having the PPAC disbanded . . . and then they became very visible. (Interview, Shorter and O'Byrne, April 12, 1983)

Ad Hoc Committees of the Alberta Educational Communications Authority

The AECA Executive Committee had decided that advisory committees to the AECA were to be of an ad hoc nature. In January, 1978, an ad hoc evaluation committee comprised of representatives from ACCESS, AECA, Alberta Education and Alberta Advanced Education and Manpower

was set up. The Committee succeeded in devising and implementing new administrative procedures for the evaluation of program proposals. A memo from Sandra Beckman (August 18, 1978), assistant to the Authority's new Acting Director, Hans Kratz, reported the following: "Since these procedures were implemented we have had no further complaints or criticisms."¹

The Committee, having achieved its original purpose, decided (at a meeting August 10, 1978) that its future activities would be best undertaken by a permanent committee. A formal request for permanent status was made to the AECA Executive Committee, Dr. E. K. Hawkesworth and Dr. Reno Bosetti, in a memo from Hans Kratz, Acting Director, AECA (August 15, 1978). The proposed terms of reference for the proposed new committee read as follows:

1. To recommend on matters of policy relative to the evaluation of multi-media material productions in all four sectors of education - early, basic, higher and further.
2. To define the purposes for evaluation in the above areas.
3. To review the current status of evaluation and identify additional information which may be required.
4. To recommend regarding the means whereby evaluations should be undertaken: delineation of responsibility, and allocation, coordination and utilization of resources.
5. To report, on a regular basis, on the current status of evaluation.
6. To share information on the evaluation of multi-media learning materials in all four sectors of education.
7. To advise regarding the role of the Authority as it relates to major issues in evaluation.
8. To meet twice annually to undertake these activities.

¹ Beckman indicated in her report that she and Chuck Williams had established the procedures on a "co-operative basis."

The committee requested that these recommendations be forwarded to the Ministers constituting the Authority, for their consideration in reviewing the role of AECA committees.

The AECA Executive Committee did not, however, agree with the recommendation. Dr. Bosetti explained:

We had a proliferation of committees and advisory groups. We had all the advice we needed . . . it was to get concordance between what ACCESS was doing and what we thought needed to be done and to bridge the advice we were getting and to get it translated into programs. That was the whole problem. To get the Corporation to do what we wanted it to do. (Interview, Dr. Reno Bosetti, March 16, 1983)

The "concordance" of which Bosetti speaks was, finally, achieved. In the words of Dr. Hawkesworth (Bosetti's co-member of the AECA Executive Committee): "About '78, we finally got some things settled . . . supplementary roles devised . . . decisions model . . ." (Interview, Hawkesworth, March 24, 1983).

This was accomplished, at long last, by an agreement being reached on the "Directives." At the last meeting of the Program Policy Advisory Committee, June 12, 1978, the Committee acquiesced to softening the word "Directives" to "Guidelines."

Guidelines for the Alberta Educational
Communications Corporation 1978

The revised document, "Guidelines for the Alberta Educational Communications Corporation 1978," forwarded to the two Ministers, the Honourable Julian Koziak and the Honourable Dr. A. E. Hohl, accompanied by a letter from Dr. E. K. Hawkesworth (dated August 22, 1978), stated the following: "The Program Policy Advisory Committee and the ACCESS Board have reached agreement on the Guidelines."

The revised "Guidelines" went before the Social Planning Committee of Cabinet, were approved, and transmitted to ACCESS September 19, 1978. The letter of transmittal from the Authority accompanying the Guidelines (November 1, 1978) requested that ACCESS communicate to the Authority within six months in order to inform them of programming activities in accordance with these Guidelines.¹

Supplementary Roles

Section 1.2 of the 1978 Guidelines is entitled "Supplementary Role(s)." It reads as follows:

The Corporation will have other role(s) which are consistent with providing a wide range of educational services to Alberta citizens. The supplementary role(s) of the Corporation shall be mutually agreed upon by the ACCESS Board of Directors and the Authority or any group duly appointed by the Authority. ACCESS will submit an annual report to the Authority by October 1, in each fiscal year, outlining the supplementary role(s) which the Corporation will assume in the ensuing program year.

In compliance with Section 1.2 of the 1978 Guidelines, Chuck Williams reported to Dr. E. K. Hawkesworth, September 20, 1978:

We understand that this report will be examined by the Authority or a group duly appointed by it, with a view to reaching agreement on Supplementary Roles to be performed by ACCESS beginning September 1, 1979. (Memo, Williams to Hawkesworth, September 20, 1978)

Included with this letter were resolutions adopted by the ACCESS Board of Directors at their meeting of September 14, 1978 (cited above). These resolutions read as follows:

¹ See Appendix D for Alberta Educational Communications Authority, Guidelines for the Alberta Educational Communications Authority 1978.

The Committee recommends¹ to the Board that for the programming year September 1979 to August 1980, the following should be the ACCESS supplementary roles which are to be forwarded to the Authority.

Supplementary Role #1 - General Broadcast Programming

In order to maintain a presence as a broadcasting organization in radio, ACCESS will continue the traditional music and public affairs programming on CKUA along with materials required for audience maintenance.

Supplementary Role #2 - Institutional Support

- i) ACCESS will continue to provide direct and indirect cost support for educational objectives of the Department of Culture.
- ii) ACCESS will continue to provide direct and indirect cost support for the educational objectives of other provincial government departments,
 e.g. Agriculture
 Consumer & Corporate Affairs
 Social Services and Community Health
- iii) ACCESS will continue to provide direct and indirect cost support for the educational objectives of provincially supported institutions,
 e.g. Fort Edmonton
 The Glenbow
 Heritage Park
 Provincial Museum
 Theatre Calgary
 Citadel Theatre

The minutes of the above mentioned ACCESS Board of Directors meeting (September 14, 1978) were communicated to the Authority office. The minutes indicated the following:

15% role for ACCESS radio - Supplementary Role 1
 15% role for other departments - Supplementary Role 2.

Hans Kratz, Acting Director of the Authority, found this distribution "reasonable" and recommended the following:

¹ The Committee also recommended to the Board that in the fiscal year 1979-80, the annual grant be allocated approximately 70% for principal role and 30% for supplementary role.

That we accept the supplementary roles¹ as indicated by the
 commune from the ACCESS Board pending control of monies
 allocated to programming in the principal role. (Memo, Hans
 Kratz to the AECA Executive Committee: Dr. E. K. Hawkesworth
 and Dr. Reno Bosetti, October 11, 1978)

Kratz informed Williams (letter, December 8, 1978) that at its
 October 24, 1978 meeting the Authority approved two submissions
 forwarded by the ACCESS Board of Directors:

One submission dealt with the allocation of the annual grant
 between principal and supplementary programming for the fiscal

¹Enclosed with the minutes was the Corporation supplementary
 role(s) definition:

a. Issue I, June, 1978

"In addition to its primary role of supporting the educational
 enterprise and the work of the two departments of education, ACCESS
 will have a supplementary role to support selected educational
 objectives of other departments responsible for such areas as culture,
 agriculture, consumer affairs, environmental planning, justice, and
 public safety and health; ACCESS is also expected to contribute to
 the cultural, artistic and ethno-cultural well-being of the people
 of the province."

b. Issue 1, September, 1979 came forth one year later:

"Supplementary Role(s) Definition - Internal Use Only

- " I. In addition to its primary role of supporting the
 educational enterprise and the work of the two departments
 of education, ACCESS will endeavour to support selected
 educational objectives of other government departments
 responsible for such areas as culture, agriculture,
 consumer affairs, environmental planning, justice,
 and public safety and health.
- II. Special interest groups which come within the purview
 of these departments are encouraged to identify needs
 and initiate program proposals to ACCESS directly or
 through appropriate government agencies.
- III. Through its supplementary role, ACCESS may initiate
 programs that would strengthen its commitments and
 contribute to the cultural, artistic and ethno-cultural
 well-being of the people of the province."

year 1979-80. The other concerned itself with ACCESS supplementary roles for the programming year September 1979 to August 1980.

The Executive Committee of the Authority had endorsed "Supplementary Roles" for the following reason, stated by Dr. Reno Bosetti:

It was a recognition that ACCESS had other roles—to provide services for other departments. We accommodated that by supplementary roles . . . speaks to education in a broader context—other departments can be brought in. If any Minister wants to document . . . to cover something that happened. (Interview, Bosetti, March 16, 1983)

Dr. James Hrabí felt that "Supplementary Roles" served a vital function, being "one of the key issues" for two reasons:

1. For some members of the Board it was seen as crucial. (For example, the representative from culture and in part the representative from Advanced Education and Manpower for whom continuing and adult education is a key point.
2. It was crucial because the Board could see more freedom in the supplementary roles than it could in any other because it didn't have to go through the decision model . . . more exciting things were done.¹ (Interview, Hrabí, March 10, 1983)

The PPAC, however, had not been so enamored with the concept of supplementary roles. The Chairman of the Committee, L. A. Robertson, elaborated:

ACCESS had applied for an increase in its annual budget for something they called "supplementary roles." The position of the PPAC was they saw it as being the thin edge of the wedge . . . where instead of being responsive to the primary needs of education, supplementary roles would grow and grow and take over the whole lot . . . The reason why they thought that and I think quite rightly, is they saw the precedent that had been set by the "Come Alive" program which the PPAC saw as

¹It will be recalled that Hrabí was serving on the ACCESS Board during this period. He explained that "it enabled the Board to do exciting things like Commonwealth Games," which had required a "very quick decision." ACCESS had "been required to act quickly and had the flexibility to do so" (Interview, Hrabí, March 10, 1983).

supplementary role programming. (Interview, Robertson, April 2, 1983)

Torgunrud (who had served as the Director of Curriculum in Alberta) speculated on the reasons for supplementary roles:

One interpretation could be that it was a financial move to provide the kind of independence which the Corporation did not feel it was getting the other way. . . .

.

If we can produce enough products and draw enough money, that will take the axe from over our head and we will show them what programs we can produce, but we won't have to be dependent on their financing.

.

I was of the opinion that their supplemental roles were the kinds of things they could do outside of the major educational establishments. (Interview, Torgunrud, March 16, 1983)

As for ACCESS's position, there was no doubt as to where they stood on the matter. Shorter's "President's Report" in the Fifth Annual Report, October 17, 1977-October 16, 1978 (February 14, 1979) stated the following:

Our new Guidelines were not arrived at easily. They make clear that the Corporation's major role is in support of structured education in Alberta, but also acknowledge certain key supplementary activities for ACCESS in the informal educational sector.

The ACCESS "Response to the Guidelines—1978, ACCESS Roles, Goals Objectives" (April, 1979) indicated that "The goals of ACCESS include an attempt to fulfill both principal and supplementary roles of ACCESS."

The Program Decisions Model

The 1978 Guidelines (Section 3.9) contained an important new clause:

The Corporation's programming is to be developed in accordance with a Program Decisions Model mutually agreed upon between the Corporation and the AECA.

The Program Decisions Model appears on the last pages of the 1978 Guidelines, as Appendix C.

During an interview, Shorter explained:

I had left¹ the implementation of the Guidelines to him [Chuck Williams] (after we'd fought them through) . . . in my view he'd sold the farm. I agreed to the Guidelines, but then the Guidelines said that the working out of the Program Decisions Model would be mutually developed by ACCESS and the Authority. (I left that job to Chuck.) The Guidelines, I was in support of, but the Program Decisions Model, which aren't supposed to be part of . . . If you read the Guidelines, the Guidelines document ends by saying, "These are the Guidelines and in addition a program decisions model will be worked out jointly by ACCESS and the Authority." I know they are in the document, but they are an appendix and they are not part of the Guidelines per se! (Interview, Shorter, April 12, 1983)

The new Guidelines, however, directed the Corporation and the Authority to "mutually agree" upon a Program Decisions Model. In

¹In October, 1978, Shorter "embarked upon a twice postponed, nine-month sabbatical leave" (ACCESS, Fifth Annual Report, October 17, 1977) (October 16, 1978 to February 14, 1979). When interviewed (April 12, 1983), Shorter referred to Williams as "the Vice-President who had been minding the store while I was away."

It is also of interest to note here that the series "Come Alive" was finally put to rest by Williams, in Shorter's absence. The series had already been reduced in its broadcasting time to "one morning a week," a decision that was made "January 1, 1977" according to "The Vice-President's Report" in the ACCESS Fourth Annual Report, October 17, 1976-October 16, 1977 (February 16, 1978).

Dr. Walter Worth explained the demise of "Come Alive" as follows:

"It [Come Alive] was so consuming of resources of the Corporation (time and energy) . . . and so many problems developed . . . that the 'flagship' became an albatross and it had to go. The Board was involved and I was on that Board. It was a cumulative kind of thing . . . in the final analysis it was the Board's decision to kill "Come Alive" (Interview, Worth, March 17, 1983).

Dr. Worth served as a member of the ACCESS Board for one term. In his words: "I did that deliberately. Advanced Education had a spot. I said to Jim Foster, I want that spot" (Interview, Worth, March 17, 1983).

accordance with this directive, Hans Kratz and Chuck Williams set to work in a process of extensive negotiation. Kratz described the process as follows:

. . . A consultative joint effort . . . it was something that was mutually acceptable . . .

.

The highlight—the most authoritative thing the Authority ever did was the 1978 Guidelines and the [ACCESS] response to those Guidelines . . . that was the highlight, because at that point the Authority had been authoritative and it was never authoritative prior . . . and it was very difficult after! (Interview, Kratz, April 25, 1983)

Williams referred to the many "liaison meetings held with Kratz" (Memo to Kratz, September 22, 1978) which proved productive, judging from a later memo (to Kratz, October 12, 1978):

The new Guidelines (November 1, 1978) include a clear statement of the principal and supplementary roles of ACCESS and affirm that the ACCESS Board of Directors is charged with the responsibility for taking "whatever steps may be necessary to conduct its educational programming activities in keeping with the Guidelines . . ." (see letter of transmittal).

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The spirit of co-operation established among the departments, ACCESS and the Authority staff, assure a high degree of co-operation and of information exchange. ACCESS senior managers are well aware of their responsibility to respond to the needs of the educational community as expressed by the departments and confirmed by the ACCESS Board of Directors.

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New emphasis should be given to a formal elaboration of procedures related to the Program Decisions Model included as Appendix "C" in the new Guidelines. At the present time, many different approaches to decision-making exist. This leads to confusion and redundancy. A flow chart detailing the decision path for all proposals needs to be developed and ACCESS staff will be advancing a proposal as part of the required response to the new Guidelines.

I trust it is clear from the above that we at ACCESS look on the new Guidelines as providing fresh opportunities for further discussion which will lead to fuller co-operation between ACCESS and the departments and publics it is intended to serve.

The AECA letter of transmittal accompanying the Guidelines (November 1, 1978) requested that the Corporation communicate to the Authority within six months, outlining its plans to carry out educational programming activities in keeping with the Guidelines.

In compliance with this request, the Executive Council of ACCESS established a Sub-Committee for Planning, November 8, 1978. This Committee produced the document, "ACCESS Response to the Guidelines 1978: ACCESS Roles, Goals, Objectives" (AECC, April, 1979).¹ "The ACCESS Response to the Guidelines" outlined the Corporation's roles, goals and objectives as a first step in "a five-year plan for ACCESS" stated as being "in accordance with the principle and intent of the Guidelines (November 1, 1978)."

It was in this manner that the process of negotiation took place, and agreement was reached on the 1978 Guidelines.

Dr. Hawkesworth attributed the successful working relationships between the Authority and ACCESS to Williams' presence:

While Chuck Williams was there . . . while he was Acting Director [of ACCESS] we had very good working relations . . . excellent cooperation in getting things done. If we hadn't had that very fine year's experience with ACCESS—I would feel it was the structure that inhibited the work. But when it worked so well, I have to reach the conclusion that the will was not there to make the structure work. (Interview, Hawkesworth, March 24, 1983)

The structure that had been created worked for a time, but it was not long before problems began to surface once again.

¹Williams explained when interviewed (March 14, 1983) that the "ACCESS Response" document was the result of a three day, in-residence, "retreat" he had organized for the purpose of compiling this document. Williams added: "The Response [document] was perceived as a 'sell-out' document by Shorter."

Reno Bosetti commented:

The Guidelines were there to ensure that we got that service [that needs to be provided for our Department] and initially to ensure that the content of education could be prescribed by us.

The Decisions Model, however, was overly complicated in my view and never satisfactory in Advanced Education because it involved far more intervention and involvement than we were ever prepared to accord it, although we did work in that framework.

.....

I felt that the Decisions Model was unnecessarily complex. It was there in part at the insistence of Alberta Education—for them it was not too complex. It gave the control necessary. (Interview, Bosetti, March 16, 1983)

Bosetti went on to point out that the responsibilities of the Authority were only "one of many functions the Ministers had to do." This factor influenced their attitudes toward the new structures:

The Minister supported the notion of Guidelines and Decisions Model because it took them out of the need for getting involved in day-to-day monitoring of operations. It was a structure in place to handle the housekeeping. The staff did it . . . and the Departments . . . not the Ministers . . . What they hoped was that they were getting their money's worth. (Interview, Bosetti, March 16, 1983)

Dr. Hrabi agreed that the Decisions Model was too complex:

My first reaction [to the Decisions Model] was this is a . . . disaster. . . . I believe that diagrams and decisions models are . . . security blankets for people who are not prepared to talk to people and influence them but they need a piece of paper to say you got to come and talk to me and if you aren't you are misbehaving so I'll write you a . . . memo.

.....

Here you have negative relationships making a very difficult model impossible. That model would have worked had you had people operating it who tended to be compatible.

.....

I saw and still see very little wrong with the Guidelines (as a policy directive). I think the Decisions Model was not particularly good—it allowed for too many problems.

.....

I was as much sympathetic to the Board's problems when I was a member of PPAC as I was when I was a member of the Board. I felt that we were putting too much control on the Board, on ACCESS to the point where it couldn't operate very well. There is a difference between constraints that point people in directions and administrative constraints that stifle you. (Interview, Hrabi, March 10, 1983)

Alan Robertson had a different view:

I think that the Decisions Model itself, although some people thought it was a complicated one, that is the ACCESS people thought it was too complicated, I thought that from the point of view of people in education, both in basic education (grades one to twelve) and postsecondary, we thought that it was a workable model. . . .

Every time you found a short cut around that model it meant the producer was going to have the last say as to what the program was going to be about rather than the people who were the educational objective people, so that we didn't get learning by design at all. (Interview, Robertson, April 2, 1983)

As time passed, circumventions to the Decisions Model became more commonplace.

The staff of the Corporation spent a lot of their time trying to figure out how to contravene the thing without really doing so . . . there was a lot of wasted energy . . . complicated . . . It got to be a very expensive game in terms of time and money but also in terms of people buying in emotionally in one way or another. It became a focal point for all sorts of things. (Interview, Chuck Williams, March 14, 1983)

In looking back at the situation, as it then was, from the vantage point of one who is now uninvolved,¹ Chuck Williams had this to say:

I am not opposed to guidelines—that could have been worked out. The difficulty is that they became the issue rather than the production of good educational programming.

The Guidelines and the Program Decisions Model siphoned off a lot of energy . . . they themselves were not the cause. The

¹Chuck Williams left ACCESS in the fall of 1979.

Guidelines became the focal point of the personal animosities of people (all the traditional thinks like power, jealousy, etc.). What you ended up with was personal issues being fought out over the body of the Guidelines.

.....

The Guidelines were easier to support than the Decisions Model. It shouldn't have been called the Decisions Model . . . (for example, a flow chart). . . The principle of having a process which everyone understood is right, and the Guidelines were much less of a problem than the Decisions Model. The Decisions Model was difficult because it controlled a lot of day-to-day work and so we were continually running into problems.

.....

No model can work in an atmosphere of bad will and distrust—even a poor model can work where there is trust. This model, though complex, could have worked.

.....

Given the atmosphere in which we were working, this was probably the wrong way to go about it.

.....

The control system was onerous and not particularly productive . . . in fact it was counter-productive in that it kept people from doing things that could have been productive. (Interview, Williams, March 14, 1983)

Shorter corroborated Williams' view that the "control system was onerous," relating the eventual fate of these control systems:

More and more, finally we were able to bypass and work directly with the Department . . . just working basically with the Directors of Curriculum and the people . . . we just circumvented the Decisions Model . . . The Decisions Model came into play at certain times of the year . . . finally it took a long time to do this . . . the Department of Education just walked in and said here, these are the proposals that we want—in other words we presold proposals to the Department so that the Authority wasn't involved. (Interview, Shorter, April 12, 1983)

Shorter¹ concluded: "All I ever wanted was the consultative model I'd been promised in the first place!"

The "consultative model" of which Shorter spoke never became operational for reasons which will be explained in the concluding

¹Shorter resigned December 17, 1981. His resignation became effective June 1, 1982.

chapter of this dissertation. Before moving to the final chapter, however, an epilogue to this chapter provides additional information concerning the resolution of the "battle for independence."

Summary

The struggle between the Corporation and the Authority continued, the matter of "directions" and "independence" remaining unresolved. A system of "conditional funding" was instituted as a means of controlling some of the Corporation's funding. Underlying this "battle" for control of the Corporation was the deeper issue of whether the constitutional responsibility for educational matters rested with elected representatives of the public or with a non-elected creature of government not directly accountable to the Alberta electorate. Alberta Education's position became one of pressuring the government to take complete control of the Corporation by a system of central funding which would be administered within ACCESS but subject to directions from the Authority. The position of the Department of Advanced Education, however, was that of maintaining more of an "arm's length" relationship with the Corporation, consistent with their approach to post-secondary institutions. These differing philosophies caused a divisiveness within the Authority itself (comprising the two Ministers of Education) which was reflected in the approach of the Executive Advisory Committee (comprising the two Deputy Ministers of Education, or their designates, and the Authority's Director). The lack of clarity regarding the issue of independence was in part a function of this divisiveness. The Authority's Advisory Committee (the

PPAC) made repeated attempts to obtain a policy position from the Ministers. In the absence of a government policy statement, the Authority's Director together with the committee initiated various endeavors aimed at controlling the Corporation. A revision of the "Guidelines" (1975) document was undertaken and given the new title of "Directives for Programming in Educational Communications." The process of renegotiating the document caused even further rifts to develop between the Corporation and the Authority (and their respective Boards). The question of the Authority issuing "directions" to the Corporation was eventually left to the Ministers. A meeting was called between representatives of the ACCESS Board and the PPAC. As a result of the meeting, what had once been called "Directives" were eventually approved as "Guidelines for the Alberta Educational Communications Corporation, 1978" and the PPAC were thanked for their contribution and disbanded. The battle for their independence it seemed, had been won by the Corporation. The "Guidelines" (1978) contained a section termed "supplementary roles" which allowed the Corporation freedom to produce programs other than those identified by the Department of Education. The Appendix to the document, however, contained a "Program Decisions Model" which had been mutually agreed upon by the Authority's new Director (Kratz) and the Corporation's Vice-President (Williams, who was acting for the Corporation's President, Shorter, in his absence). The control system, it was felt, had become onerous. Once again the Guidelines, together with the "Decisions Model," became the focus of animosity and distrust, the Corporation eventually succeeding in bypassing them completely.

The Battle for Independence: Epilogue

As this study has indicated the Alberta solution to the problems posed by the divided jurisdiction of educational broadcasting was to create two structures: an "independent" Corporation and a separate "Authority" to supervise and direct the Corporation, thereby controlling the content of educational programming in accordance with its constitutional responsibility. "We didn't want the Corporation determining its own parameters," explained the Honourable Lou Hyndman, during the course of an interview (April 14, 1983). Hyndman discussed his reasons for setting up these structures which built in the necessity for accountability to government:

There is a requirement for continuous cooperation and collaboration between the curriculum people in the Departments of Education. There wasn't one philosophy of teaching coming from the Departments of Education and the schools and then another one going off counter to it, through the Corporation.
(Interview, Hyndman, April 14, 1983)

As the earlier discussion in the previous chapters has pointed out, the Alberta design, although based on the Ontario model, had deviated from it in one important aspect: whereas the Board of Directors of Ontario's independent Corporation comprised their provincial authority, Alberta created a separate structure as its "Authority." The Ontario situation was perceived to be one in which the Ontario Corporation was asserting too much independence from their provincial Department of Education, to the point where they had become "a public broadcasting corporation, not at all responsible to the educational people" (Telephone interview, Morton, June 15, 1983). Morton had always been fearful lest the Ontario model be emulated in

Alberta. The provincial government's policy was one of guarding against a similar occurrence taking place in Alberta. Hyndman had articulated this policy in what Shorter had referred to (during an interview, April 12, 1983) as "that seminal document."

It was felt from the outset that the educational community which serves all the people of our province should be linked in significant ways with the Alberta Educational Communications Corporation. (Letter to Juneau, Chairman, CRTC from Hon. Lou Hyndman and Hon. James Foster, March 6, 1974)

This "significant link" to the "educational community" was accomplished by an order in council designating the Minister of Education and the Minister of Advanced Education as the provincial "Authority." The letter (cited above) went on to state:

Because the two ministers of education and the Government of which they are members are directly responsible to the people of Alberta for educational matters it was deemed appropriate that they be designated as the Alberta Educational Communications Authority.

It is of importance to note here that Section 2(1) of the AECC Act (1973) reads as follows:

2. (1) The Lieutenant Governor in Council may designate any person or persons or any other body or authority as the provincial authority for Alberta for the purposes of this Act and any direction of the Governor in Council made pursuant to section 27 of the Broadcasting Act (Canada) and may specify the name of the provincial authority so designated.

The government of Alberta's official promise to the CRTC (cited above) indicated that the two Ministers of Education would be designated as the provincial authority. For almost a decade, the Minister of Education and the Minister of Advanced Education did, in fact, serve as the provincial authority so designated¹ (by an order in council).

¹The two Ministers of Education did not exclusively comprise the Authority during that entire period, for in May, 1981, the Authority

About eighteen months later, however, a dramatic turn of events was to occur.

On December 8, 1982, an Order in Council, signed by the Premier, transformed the provincial authority, designating the directors of the Alberta Educational Communications Corporation (ACCESS) as "the provincial authority for Alberta for the purposes of this Act," in accordance with Section 2(1) of the AECC Act (1973, cited above). In effect, this Order in Council created a system identical to that of Ontario where the Board of Directors of the OECA was designated as the provincial authority. Dr. Worth had predicted the eventual disappearance of the Authority:

I always took the position that we didn't need the Authority and that some day it will disappear. [This was] my own "gut" feeling. . . . I saw it as an unnecessary encumbrance, a job creation program . . . it was always an annoyance in many ways. It took a lot of time. It was an unnecessary bureaucratic impediment and sooner or later somebody that could do something about it, would. (Interview, Worth, March 17, 1983)

Hyndman explained how the Authority, in the form of a separate entity, was removed:

In the beginning, we started at where we thought we would keep the residual decision-making authority or the mandate within the Department of Education, in the Authority and see how it goes. . . .

.

It was really a function of the election. We got new Cabinet ministers set up and then there was a decision taken as to who should be the minister responsible . . . We should probably instead of having three ministers or two ministers, we thought

came to be comprised of three ministers: the Minister of Education, the Minister of Advanced Education and Manpower, and the Minister of Utilities and Telecommunications. Due to circumstances beyond the scope of this study, the Associate Minister of Utilities and Telecommunications, the Honourable Neil Webber, was later designated as the "lead Minister" and his associate deputy minister, Gordon Haase, the Chairman of the AECCA Executive Advisory Committee.

we should have only Mr. Bogle (Minister of Utilities and Telecommunications) and looking at the experience of the previous nine years we thought it would be simpler to carry on as we have. . . .

The educational content is somewhat more predictable. The technology side of it is changing almost by the hour. It was crucially important that at least one minister and probably the lead minister be able to be the one which was familiar with and have access to the latest technology so that they could perhaps stop a decision being taken by the Corporation which we'd found in say Europe or Japan, wouldn't work and would be a waste of capital dollars; so at least we'd have a handle on that.

.

And eventually in recent years we all contemplated it would move to where it is now. It developed, blossomed and found its way and moved to the state where the Authority almost became redundant because things were working out well once it got going. In the annual get together we would have with them, we would talk to them . . . and in the submissions during the budget it was felt that there was no need to continue as it was . . . so it was an evolutionary thing. . . . (Interview, Hyndman, April 14, 1983)

Hyndman's statement cited above, provides an excellent illustration of the evolutionary nature of the policymaking process, which this case has revealed. The structures which were created in the case under study evolved in a complex, ever-changing environment. The Alberta Educational Communications Authority proved to be only a temporary arrangement, a structure devised for a combination of reasons to satisfy the tensions at play, at that particular time.

In retrospect Morton's comment seems most appropriate, in the light of the above discussion:

It is important to keep in mind that all of that happened in a certain context . . . whatever policies emerge today have to keep changing technology in mind . . . and other contextual factors . . . policy is not for all time, it has to evolve and change. (Telephone Interview, Morton, June 15, 1983)

The concluding chapter which follows provides an analysis of the evolution of the policymaking process documented in this case and

places these events in the historical context of evolving federal communications policy.

Chapter 9

INTERPRETATIONS AND CONCLUSIONS

Introduction

This study has explored the evolution of educational broadcasting policy in the province of Alberta, within the context of federal-provincial relations as they relate to communications policy.

The purpose of this study was to examine a single case of policy-making in educational broadcasting. Through the use of a case study approach, the key events associated with the development of policies in educational broadcasting in Alberta were documented. The purpose of this chapter is to draw together some of the major findings of the study. The material is presented in a similar fashion to the format used in the reporting of data in preceding chapters. The reason for continuing this style of organization is that it was the writer's decision that an analysis of the case material could best be accomplished by presenting supporting statements and retrospective comments of key interviewees. This decision was made on the basis of the fact that many of the key actors involved in the policymaking process under investigation were available for interviews. This fact allowed the writer to structure the interview situation as not only a source of primary and secondary data, but as an opportunity for probing the interviewee's own definition and analysis of the situation (the Heberian concept of deeper understanding or "verstehen,"

discussed in Chapter 2). Interviews thus proved to be a rich source of data in that they also provided the opportunity for retrospective analysis and interpretation of emerging issues.

The chapter begins with a brief background summary of the evolution of educational broadcasting in Alberta within the context of federal communications policy. This is followed by a discussion and interpretation of some particular issues and themes which emerged from the data reported earlier in the study. The chapter closes with a summary of the findings and presents the writer's conclusions.

Educational Broadcasting: Background Summary

Educational broadcasting, divided in jurisdiction, and therefore a "constitutional paradox," created "an immediate jurisdictional conflict between the federal governments and the provinces" (Atkey, 1970:202). The process of defining the limits of both federal and provincial jurisdictions led to a series of negotiations between the two levels of government. These negotiations culminated in a compromise solution: an interdelegation of administrative powers specified by a formula which accommodated the divided jurisdiction of educational broadcasting. This formula in the form of a "Direction" to the CRTC (OC PC 1972-1569), acceptable to both levels of government, declared that provincial educational "authorities" were henceforth authorized to operate broadcasting stations, so long as they remained independent of provincial government control, and accepted the jurisdictional and regulatory authority of the federal government.

It was against this background that a provincial educational

authority evolved in Alberta. The policies for this structure had been laid down by the Social Credit government. The first such authority in the form of an advisory committee to the Minister of Education, Bob Clarke, created in 1970,¹ comprised representatives from the major educational interests in Alberta, and the Minister of Education. After the change of government in 1971, this committee continued to advise the new Minister of Education, the Honourable Lou Hyndman,² but some changes in direction soon became evident. The following year, both this committee and the Commission on Educational Planning (which had also been set up under the Social Credit government) recommended the establishment of a corporation which would coordinate and centralize educational communications in Alberta. The stage for a provincial network was set by the highly publicized and widely distributed "Worth Report" (The Report of the Commission on Educational Planning).

At the same time that these occurrences were taking place at the provincial level in Alberta, the federal government issued its "Direction" (OC PC 1972-1569) to the CRTC enabling it to license provincial educational broadcasting authorities. In response to these above mentioned events, the Alberta Government enacted legislation creating structures which emanated from a different philosophical

¹The original Alberta Educational Communications Authority was created by the Social Credit Government as a response to federal legislation (PC 1970-496) which made it necessary for provincial "authorities" to be in place in order to negotiate with the federal authorities for access to educational broadcasting facilities.

²The Honourable Lou Hyndman came to this ministry with four years of experience: Hyndman had served as an MLA and opposition spokesman on educational matters since the provincial election in 1967.

and ideological base than those of the Social Credit government. Whereas the previous government's philosophy had been one of supporting educational broadcasting chiefly through decentralized regional organizations, the new government's policy was one of greater centralization of educational communication services in a province-wide network. The Alberta legislation was modelled after earlier legislation (1970) enacted by the Conservative government in Ontario whereby an independent educational authority had been created. The Alberta legislation, however, deviated from its Ontario counterpart in one important aspect. Ontario had created only one organization, interpreting the term "provincial authority" as being the independent corporation itself, the Ontario Educational Communications Authority. In order to guard against the occurrence of a situation in which the corporation would have the power to bypass the provincial government, the Alberta Educational Communications Corporation Act (1973) created, in effect, two entities: an "independent" corporation and a provincial authority, the Alberta Educational Communications Authority.

The Alberta solution was devised as a means of solving the dilemma inherent in the federal "Direction" (OC PC 1972-1569): that of setting up a corporation sufficiently "independent" to satisfy the CRTC in order for this corporation to be eligible for broadcast licences, yet under the aegis of the provincial government in order that they might claim their constitutional right of jurisdiction over education. The Corporation was directed to report to government through the Authority. The complex structure which the Alberta government devised, however, proved to provide but a temporary solution to

the dilemma posed by the divided jurisdiction of educational broadcasting (as was revealed in the Epilogue to the preceding chapter). Although an elucidation of the events which led to the eventual demise of the Alberta Educational Communications Authority is beyond the limits of this study,¹ mention of their occurrence was deemed essential in that they point to the evolutionary nature of the policymaking process which this case has disclosed.

The Authority was created for a variety of reasons, which will become clear as this analysis unfolds. The Authority was originally intended to serve not only as a buffer and as a channel through which Alberta Education could ensure that its needs would be met, but which would also link² government with the newly created "independent" provincial corporation, ACCESS. Because of the federal "Direction" (OC PC 1972-1569) which stipulated an "arms-length" relationship between provincial educational corporations and their respective governments, the degree of provincial government control over ACCESS had to be far less direct than over other provincial corporations. The architect of the legislation which created both the Alberta Corporation and Authority, the Honourable Lou Hyndman, provided some background information

¹The "Delimitations of the Study" section in Chapter 1 declared that "the study was bounded by the time period 1966 to 1978."

²The "significant link" to the educational community which Hyndman and Foster had proclaimed in their oft-cited letter to the CRTC (March 6, 1974) was removed when the Authority ceased to exist as a separate entity (see the Epilogue of the previous chapter). As long as the Authority comprised the Ministers of Education, direct control over educational content was assured. That direct link is no longer there and educational input is provided by the representatives from the Departments of Education who sit as members of the ACCESS Board of Directors (appointed "at the pleasure of the Minister").

regarding the reasons for his government's policy:

The federal government, although they did not want political interference, felt it would be useful to have the government that was funding this entity composed of some of the ministers who would actually be setting the broad parameters. The other thing was that our government felt the same way . . . we felt that it was paid for by public funds . . .

The Authority was set up, in addition to the federal reasons . . . we were setting up a pretty independent, much more than a normal independent, garden variety crown corporation . . . It was a sort of experiment. We didn't know if it would work or not. It was a little cumbersome. It didn't follow the Ontario model, but it seemed to work. I guess the proof of it is the public felt over the succeeding decade that things worked pretty well. (Interview, Hyndman, April 14, 1983)

Whether or not things "worked pretty well" is a matter of conjecture, for the complex structure which the legislation created gave rise to the emergence of a number of issues. These issues will be discussed and analyzed in the sections which follow.

Structural Issues

Two Structures: The Corporation and the Authority

The structures which were created as part of the Alberta solution appeared at first blush to hold much promise in solving the problems posed by the divided jurisdiction of educational broadcasting. The Corporation would be "independent" thereby satisfying the federal legislation; the Authority would serve as the link to the provincial government, thereby protecting the integrity of provincial jurisdiction over education.

It was not long, however, before a host of issues began to emerge as a result of these structural arrangements, eventually becoming dysfunctional. A viable explanation was offered by Torgunrud:

I think any time you put up structures that have counter-balancing units in them that have somewhat, or are perceived to have the same mandate, you are borrowing trouble . . . I think that any time you place intervening units between supplier and user you are slowing down both the production and the distribution—and the communication . . .

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I'm of the opinion that actors will, to a great degree, determine the intensity of the conflict, but the structure sets the arena for it. . . . The people can determine the temperature of the water but they can't determine the ocean. (Interview, Torgunrud, March 16, 1983)

The Relationship Between the Corporation and the Authority

An early document (AECA Prospectus, September, 1973) had addressed the fact that the AECC Act (1973) specified only certain aspects of the relationship between the two entities, the Corporation and the Authority. Morton had early on foreseen the possibility that this lack of specificity would be a source of difficulty. In a later document, Hyndman and Foster promised that the Corporation and the Authority would work out their relationships by coming to an understanding which would be "reached by consultation and mutual agreement" (Letter to Pierre Juneau, Chairman, CRTC from Hyndman and Foster, March 6, 1974). The working out of an amicable relationship by "consultation and mutual agreement" did not, however, occur.

Morton provided the insight gained from the vantage point of the experience of the past decade:

It was inevitable there was conflict, on the basis that a clear relationship was not established at the beginning.

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A "faith-trust" relationship was not the appropriate way to begin their new venture . . . The role relationship should have been laid out and accepted, and if it needed to be changed . . . it be done . . . but at least we would have had an initial structure through which you work and relationships that clearly

indicate who had [what] responsibilities. (Telephone Interview, Morton, June 15, 1983)

The lack of such an "initial structure" which would have specified relationships, caused many issues to surface very soon after the enactment of the legislation. The basic dichotomous question remained unresolved: was the Corporation sufficiently independent of provincial government control so as not to violate the federal "Direction," yet controlled enough to fulfill its mandate of meeting the educational needs of the two Departments of Education. Although Morton attempted to clarify the issues which this question raises, and improve communications, he soon discovered that some areas were not easily defined and certain boundaries were not clearly discernible. Morton's continuing efforts to clarify the Authority's role were motivated by a desire to find the most acceptable means of asserting the Department of Education's constitutional and legally endowed right and responsibility for the content of educational programming: "It was like walking a tightrope—trying to satisfy the situation of the moment and trying to satisfy the needs of both" (Telephone Interview, June 15, 1983). The Corporation, meanwhile, was escalating the battle to protect its right to remain independent. Underlying this battle, however, was a deeper issue: that of whether responsibility for educational matters ultimately rests with elected officials within the provincial government, or with a non-elected creature of that government whose representatives are not directly accountable to the Alberta electorate. This question was never satisfactorily resolved. The mandates of the Corporation and the Authority were never clearly specified, nor were their boundaries clearly defined, for a resolution of these matters required a

political solution: a clear provincial communications policy. It was the lack of such a clearly defined policy, particularly after a change in the portfolios of the Ministers who comprised the Authority after 1975, which created the problems this study has exposed. Although the Authority's Director (Morton) repeatedly requested such a definitive government policy, it was never forthcoming. Instead the matter was left for civil servants to deal with as best they could. At the staff level, however, only structural solutions are possible and these were employed in an effort to stem the tide which could only be quelled by political intervention.

The Authority, it will be recalled, had been established for the purpose of channelling the policy positions of the government of Alberta to the Corporation. In the absence of such policy positions, the staff of the Authority (i.e., the Director) and the two Deputy Ministers of Education (the "Executive Advisory Committee") implemented their own interpretations of policy. Some references to the literature are worth noting here which address the "myth" of civil servants not being involved in the policymaking process, for, in reality, the manner in which administrators interpret and implement policy has a great bearing on the way policies are carried out. To illustrate, in addressing this issue Doern and Aucoin (1979:304) point out that it is "fiction" to assume that "the minister is responsible for everything that occurs within his department," as this "implies that civil servants are merely ministerial advisors and not decision-makers." Almond and Powell (1978:277) observe that the realization of public policies depends on the bureaucracy. These policies, however, may be "lost

in the thicket of bureaucratic infighting or twisted out of recognition by bureaucratic misunderstanding or opposition." The discussion in the previous chapters has revealed such "bureaucratic infighting" which resulted from the lack of clear government policy positions. The frustration expressed by all parties concerned was expressed in the data reported in the earlier chapters of the study. The many documents cited provide clear evidence of the breakdown in communications between the Corporation and the Authority sustained by an atmosphere infested with suspicion and distrust. The President of the Corporation attempted to ferret out unknown government policy positions by engaging in what might best be described as semantic game-playing. In the numerous letters and memoranda that were exchanged between the Corporation's President (Shorter) and the Authority's Director (Morton) each writer sought to catch the nuances of interpretation of such words as "policy," "directions," and "guidelines." The legal interpretation of the words and the situation given by Acorn, special counsel on legislation, is most relevant:

Guidelines are not compelled to be complied with. There is a vast difference, in my view, between a "guideline" and a "direction." A direction you obey; guidelines are general guides as to what should or should not be done . . . guidelines are a meaningless term—you are not compelled to comply with them. I think that ACCESS could say "these are not directions because they don't fit the description of directions . . . [thus] you are not calling them directions" . . . They were just fudging . . . fencing. (Interview, Acorn, June 9, 1983)

As the amount of correspondence mounted, the relationship between the executive officers of the two organizations and their respective boards became increasingly strained.

To make matters even worse, there were other structures in place

which served to further complicate the situation. The Program Policy and Advisory Committee had been created to advise the Ministers (i.e., the Authority). Their advice was communicated to the Ministers who in turn conveyed it to the Corporation's advisory board—the ACCESS Board of Directors. The end result of this complex system of communications filtered, as it were, through two boards, was that the battle for independence, which appeared to be waged between members of the two boards, erupted publicly, culminating in the PPAC's demise. The real battle, however, was a political battle which required a political solution. In the absence of such a solution, the Authority and its advisory committee (the PPAC) had been making repeated attempts to fill the void: "Directives" were issued which were eventually softened to "Guidelines"; "conditional funding" was instituted as a means of controlling at least part of the Corporation's programming budget; a Program Decisions Model was designed and implemented, but eventually bypassed by the Corporation. The control system had become onerous, for the complex structures which had been created had unleashed an untenable situation.

There were other factors at play, however, which contributed to the acrimonious alliance which had developed between the Corporation and the Authority: there were differences in the perceived power of these two organizations which served to aggravate the state of their relationship even further.

Differences in Perceived Power

The Authority had been set up, in Morton's words, as "a small clearing house" with "one or two staff employees" (civil servants),

functioning as an arm of government. The Authority remained small, in deference to the government's original intent of guarding against the creation of yet another "monstrous government bureaucracy" (Telephone Interview, Morton, June 15, 1983). The Corporation, on the other hand, grew increasingly large, spreading its tentacles throughout the province. The public image the Corporation presented was highly visible, "high-profile," even glamorous, as different from a department of government as could possibly be imagined. The position of Chairman of the Board carried with it an image which paralleled that of the Corporation: it was also regarded as "high-profile" and glamorous. The reason for this difference in perceived power of the Corporation and the Authority emanated from the structural design engineered in the beginning by the architects of the system.

The Corporation was separate from government, its staff and Board of Directors not considered to be part of the civil service, and therefore not required to maintain the low profile which is typically assumed by civil servants. Indeed, the position of Chairman of the Corporation's Board of Directors was described by Robertson (the last Chairman of the Advisory Committee to the Authority, the PPAC) as a "political plum." Robertson illustrated this point as follows:

The problem with the position of Chairman of ACCESS was that it was regarded, quite incorrectly it seems to me, as a "political plum," whereas the Chairman of the Authority was so low key . . . Michael O'Byrne had that "perceived power"

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No matter what you talk about in structure of organizational relationships . . . each of these individuals who are placed in a position of perceived power have their own networks, not of communication only, but of influence, so that those networks are much more important when you appoint someone to a

quasi-political position like this, because of the influences they have not only . . . in the province, but their lateral links that go out both nationally and internationally, and if you are a fan of Peter Newman and "The Establishment," it's all there.

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If you look at the relationships that ACCESS developed laterally with similar corporations (like OECA) . . . These links are much more with other similar bodies than with government . . . They tended to go off and be independent . . . the lateral relationship phenomena fed their independence. (Interview, Robertson, April 2, 1983)

These factors contributed to the unequal distribution of power of the adversaries who fought the battle for independence. This "high profile," highly visible image allowed O'Byrne and Shorter preferential access to the Ministers which comprised the Authority. The Authority Director (after the change in portfolios, following the 1975 election) did not share these privileges. He was a civil servant who reported on a day-to-day basis, on the operation of the Authority, through the Department of Education to the Ministers. Morton's behavior served to further reinforce this power differential for it reflected his attitude toward what he considered appropriate behavior for a civil servant. In Morton's own words: "I took a more cautious civil service approach" (Interview, Morton, March 18, 1983). Robertson corroborated this perception, adding his own, as follows:

Dick Morton is apolitical in the sense that he doesn't believe a civil servant should be visible, that civil servants should be working behind the scenes to develop policies which are good for the constituency, whatever it is. (Interview, April 2, 1983)

Shorter, on the other hand, did not believe in maintaining a low profile. He was openly political in his approach, described by various interviewees as a "salesman" who is not only creative but most adept at marketing the products of his creation. Torgunrud's assessment

is worth noting:

Larry [Shorter] is pugnacious, out-going, very aggressive. Dick [Morton] is very competent, very retiring, self-deprecating at times . . . part of it is personality . . . it seems to be a legitimate outgrowth of personalities, and that's the politics of it, and Larry, it would be my perception, having been a major designer, having an interest and a very competent interest in this kind of a distribution system for programming, . . . was very competent at lobbying. (Interview, Torgunrud, March 16, 1983)

Kratz, who took over the position of the Authority's Director from Morton, held the opinion that the Authority had taken on the personality of Morton and that ACCESS had taken on the personality of Shorter:

The Authority in a sense became Dick . . . Dick being the gentleman he was . . . before communicating to the Ministers . . . would always check with the Corporation. (Interview, Kratz, April 25, 1983)

This led Kratz to speculate on the different structures that might have evolved if the roles had been reversed:

Dick [Morton] could have been President of the Corporation, and Larry [Shorter] the chief civil servant for the Authority . . . you would have had a very "authoritative" Authority. The Authority would have been an Authority and the Crown Corporation would have been a maiden of the provincial government . . . but instead what you had was just the reverse! (Interview, Kratz, April 25, 1983)

The accuracy of Kratz's speculation cannot, of course, be tested.

There is sufficient evidence, however, in the documentation of the previous chapters, to suggest that the personalities of the two chief executive officers were contributory factors which enhanced the power differential between the two organizations and their respective advisory boards, culminating in the serious breakdown in communications which was documented in earlier chapters.

Further analyses of the structural problems inherent in the

Alberta solution must therefore address the composition of these two boards.

The Board of Directors of ACCESS and
the Policy Planning and Advisory
Committee to the AECA

The AECC Act (1973) set out the legislation whereby the two boards were to be designated. The Act did not, however, specify the composition of both boards. The composition of the PPAC was left to the discretion and interpretation of the Minister. As the "lead" Minister responsible for the Authority (then serving also as leader of the House as well as the Minister of Education), the Honourable Lou Hyndman was the prime architect, responsible not only for shaping and seeing the Bill through the legislature, but for devising the composition of the ACCESS Board and the Authority's advisory committee, the PPAC. In accordance with Section 3 of the AECC Act (1973), directors of the Corporation are appointed by Order in Council with ministerial approval required. Section 2(2)(a) of the Act only specifies that the Authority may establish "one or more advisory committees." The Policy Planning and Advisory Committee was thereby established, after the Authority became operational.

It will be recalled from the discussion in Chapter 6, that the Policy Planning and Advisory Committee was designated as comprising members of the educational constituency being served: representatives of educational practitioners and interest groups drawn from all areas of the public, deemed relevant for such a committee.

Hyndman had described this committee as being "representative of the professional technical area (delivery in the classroom)" (Interview,

Hyndman, April 14, 1983).

The members of the ACCESS Board of Directors, however, were selected on a different basis, as was discussed in Chapter 6. Hyndman made clear that he had not chosen to follow the usual route of inviting various interest groups to serve on the ACCESS Board. The approach he chose instead was a "competing point of view," of selecting what he described as "a broad view representative group of people who have good bright judgement." Hyndman elaborated:

The people on the board of ACCESS, as in most boards in the province, are not appointed for their technical expertise at all, but on the basis that they can stand back and ask the tough questions . . . on the basis of their broad experience . . . "thoughtful amateurs."

Appointed for broad general decision-making [ability]. (Interview, Hyndman, April 14, 1983)

Such a rationale is consistent with the selection of board members of large public corporations in the private sector as well as in the public sector. It was evident that the intent was, indeed, to set up an "independent" corporation. In Morton's words, "The Corporation was seen as a large public corporation, its board managing a five or six million dollar budget" (Telephone Interview, Morton, June 15, 1983). Members of the ACCESS Board (selected for their "broad decision-making ability" as Hyndman pointed out) were drawn from a different level of the political community than were members of the Policy Planning and Advisory Committee. The latter board members were drawn from a level of decision-making which was portrayed by Robertson (the last Chairman of the PPAC) as being "much more closely in contact with the 'firing-line' than it was to

the upper political decision-making" (Interview, Robertson, April 2, 1983). The differences in the composition of these two boards exacerbated the differences in perceived power, further contributing to the adversarial relationship which evolved between the Corporation and the Authority. Hyndman had believed these "two groups" would "get together" by virtue of the fact that Section 3(2) of the Act makes provision for the Corporation's Board of Directors to contain appointments who were representatives of the departments from "the government of Alberta."¹ Indeed, he admitted to having engineered a "push-pull" situation in the structural design he had been instrumental in legislating:

That's the kind of healthy tension we wanted . . . we even set up the Corporation hoping that would happen—a little bit of "push-pull." The Board of ACCESS would stand up when it should and the Department (Government) would stand up when it should . . . budget [would be the] major time. (Interview, Hyndman, April 14, 1983)

As the findings of this study have clearly indicated, these "two groups" did not, in fact, succeed in "getting together," the breakdown in their communications culminating in the eventual demise of the PPAC. The PPAC became a casualty, sacrificed in the battle waged between the Corporation and the Authority. Its demise was inevitable, given the differences in the composition and perceived power of the two boards. Robertson's view of the loss that has come about as a consequence of this Committee's termination is worth noting:

¹ These appointments were designated by Order in Council as being representatives of the Departments of Education. The Board of Directors are appointed by the Lieutenant Governor in Council and at least three but not more than four directors must be employees of the Alberta government.

What has been lost is the real representation of the needs of the classroom and the constituent members . . . 'classroom' meaning education from ECS through to university and post-secondary and further education . . . They've lost that completely. There is no input of any value at all . . . at the curriculum development level . . . There is no one whose direct contact with the classroom teachers in the system is being fed straight into the system.

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[The decision to phase out the PPAC] has led to a lack of input at the "functional level"—the functional level has been lost and has been replaced by a senior policy decision-making level¹ which is very broad in its terms [of reference].
(Interview, Robertson, April 2, 1983)

Thus, the very structures that had been devised as part of the Alberta solution to the problems posed by the divided jurisdiction of educational broadcasting created a situation which became untenable.

The constitution of the two boards whose function it was to advise their respective organizations, served to aggravate the adversarial relationship between the Corporation and the Authority. This relationship manifested itself in the form of a battle for independence, waged on many levels, both personal and organizational, the structure providing a framework which allowed the actors involved to play out their personal animosities and ambitions at the organizational level.

An analysis of the battle for the Corporation's independence which took place at the organizational level is addressed in the section which follows.

¹Robertson was referring here to the government's decision to remove the Authority, in the form of a separate entity, designating the ACCESS Board of Directors to assume this role.

The Battle for Independence

The battleground on which the Corporation's independence was contested surrounded the interpretation and application of the word "directions" in Section 6(1)(b) of the AECC Act (1973), which states that the Corporation is "subject to any directions made by the provincial authority."¹ Related to Section 6(1)(b) is Section 6(3) which states the following: "The programs and materials transmitted through a broadcasting undertaking of the Corporation are subject to supervision or assessment or both by the provincial authority."

From the beginning, Morton, the Authority's founding Director, took on the role of championing the cause of the Authority taking charge of its constitutional responsibility. Morton held steadfastly to the belief that the Authority should exercise the powers confirmed by the AECC Act, as designated in Sections 6(1)(b) and 6(3), since these sections reflect the federal legislation:²

¹It is important to note that the Corporation is only required to be at "arms length" with regard to its broadcasting undertakings. This concerns only Radio Station CKUA, as it is the only broadcasting station for which ACCESS holds a licence.

Since ACCESS is involved in both broadcast and non-broadcast services, the policy stance always taken by the Alberta Government has been that in all its other operational functions, ACCESS is not subject to the approval of the Authority. The Act specifies the relationship between the Corporation and the Authority in Sections 6(1)(b), 6(3), 7(2), 11(3), 11(4), 12(2) and 14(1). See Appendix A.

²The federal "Direction" (OC PC 1972-1569) sets forth the conditions under which a broadcast licence may be granted to a provincial agency. The agency must be "independent" from government and it must broadcast programs which meet the definition of educational programming which is part of the federal "Direction" (OC PC 1972-1569): ". . . subject to supervision or assessment by a provincial authority by any appropriate means." The Alberta Act incorporated these words almost verbatim in Section 6(3) of the AECC Act (1973).

One of the reasons I persuaded the government of the day to go the Authority route . . . It seemed to me to be useful to have the Authority responsible—the government which constitutionally was in charge of education, to have its say, which is really what the Authority was about . . . it was a buffer, but it was also the political people who ultimately and constitutionally are responsible for education. ACCESS was not responsible. Their responsibilities were delineated in the Act. The Authority was the liaison, the connection with the government. There was a need for a channel, a clearing house for educational input.

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I maintained that the mandate of government was clear—the content of education and educational programming was a provincial jurisdiction and when it came time to identify the needs and priorities of education it was the responsibility of educators . . . whoever it is that has the public mandate should have the appropriate input. (Telephone Interview, Morton, June 15, 1983)

It will be recalled from the discussion in early chapters, that the legislation had been carefully worded by Morton and Legislative Counsel Acorn (under Hyndman's supervision) to empower the Government of Alberta to discharge its constitutional responsibility for education. Morton, who had been closely monitoring the Ontario situation during the period when the legislation was being devised, was careful to guard against a similar situation developing in Alberta.¹ He expressed his apprehension in this regard while still engaged in the process of formulating the legislation, prior to the enactment of the AECC Act (1973):

. . . [lest the Corporation] not become a self-generating thing, a corporation doing education on its own with little reference to the Department of Education. Input to the Corporation

¹Morton had always been fearful that the Ontario model would be emulated in Alberta. He expressed his trepidation as follows:

"We don't want government money funnelled into programming in competition with as [as it was in Ontario] . . . The educational thing should be educational . . . Rightly or wrongly education is under the control of the provincial government and the educational establishment" (Telephone Interview, Morton, June 15, 1983).

becomes an instrument of the Department of Education.
(Minutes of a Radio-Television Department of Education
Sub-committee meeting, October 13, 1972, citing Morton)

With the passing of time, Morton's fears proved to be well founded. From the Authority's perspective, the Corporation was not fulfilling its mandate: it was not meeting the educational needs and expectations of its provincial constituents. Indeed, the Corporation was perceived as usurping the Authority's function of determining educational programming policy. Morton never wavered in his view that it is the Department of Education's mandate to decide the content of educational programming, according to Section 6(1)(b) of the AECC Act, and used every means at his disposal to discharge these responsibilities. Together with the Policy Planning and Advisory Committee, which, as was previously noted, was set up in order to advise the Ministers on matters of policy, a strong stand was taken with regard to the Corporation's "independence." Their perspective of the Corporation's central mission was defined as follows:

THE ROLE OF ACCESS WITHIN THE EDUCATIONAL SYSTEM IS
FUNDAMENTALLY THAT OF A TECHNICAL RESOURCE AND DELIVERY
SYSTEM RATHER THAN AN ALTERNATIVE TO THE EDUCATIONAL
ENTERPRISE [emphasis in the original].¹ (PPAC for AECA,
"Role of ACCESS within the Educational System in Alberta:
Definition," July, 1976)

They regarded the Corporation's independence as "operational independence" not "separation from the goals of education in this province." The Corporation, however, did not wish to be constrained in any way by the Authority and its advisory board, the PPAC. The prime spokesmen

¹This statement was modified somewhat and incorporated into the 1978 Guidelines: "The role of the Corporation is to provide services which support the educational enterprise" (Guidelines for the AECC, 1978, recommended by PPAC, AECA).

for the Corporation, Shorter and O'Byrne, perceived the functions of the Corporation as encompassing a great deal more than merely supporting existing educational institutions as a "service arm." They pressed for an expanded view of the role of ACCESS into what Shorter termed "unorganized areas" and what later came to be known as "supplementary roles."¹

An early precedent for their eventual expansion into these "unorganized areas or supplementary roles" had been set by the television series "Come Alive." This process was elucidated in a previous chapter (Chapter 7). "Come Alive," initiated by ACCESS in the absence of formal directions from the Authority, focused mainly on adult education. Their rationale for this format was based on the recommendations of the Worth Report and the newly created Department of Advanced Education, which "had lots of power," and of which "Worth was the new Deputy [Minister]" (Interview, Shorter and O'Byrne, April 12, 1983). Hyndman substantiated and supported this notion:

We felt that because there was the continuing education component of Advanced Education, because there was a native affairs component, etc.

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and that what was developing was not just education but also social services and recreation, deliberately a different model . . . [that we] not make it a reflection of this Department of Education. We felt that it was important that there be a

¹Section 1(2), Supplementary Role(s) of the 1978 "Guidelines" reads as follows:

"The Corporation will have their role(s) which are consistent with providing a wide range of educational services to Alberta citizens. The supplementary role(s) of the Corporation shall be mutually agreed upon by the ACCESS Board of Directors and the Authority, or any group duly appointed by the Authority" (Guidelines for the AECC, November 1, 1978, recommended by PPAC, AECA).

multi-dimensional departmental approach or it might become simply a single dimension. We wanted it to be more than school broadcasting. I believed that as well, as Minister of Education . . . It took a lot of coordinating but it worked very well. (Interview, Hyndman, April 14, 1983)

It is important to keep in mind that the Department of Advanced Education was in its formative stage of development at the same time that the Corporation and the Authority were being devised. The ordering of these events was pointed out by Worth during the course of an interview. The fact that the Department of Advanced Education had just been newly established provided the impetus for the Minister (Hyndman) feeling "that it was important that there be a multi-dimensional departmental approach" to the programming which ACCESS produced. In addition, the power of this new Department with a new Minister anxious to make his mark (as had been pointed out by Worth during the course of an interview, March 17, 1983) provided further support to the power differential between the Corporation and the Authority.

Further, the philosophy of the new department was very different from that of the traditional educational establishment. Recalling the discussion in the preceding chapter (Chapter 8), both Hrabí and Bosetti had pointed out the differences in mandates and approaches of the two departments of education: Alberta Education prescribes curriculum and therefore resources. Advanced Education does neither. The governance relationship between Advanced Education and post-secondary educational institutions is therefore at "arms length," consistent with the autonomy afforded such institutions. Representatives of Advanced Education tended to treat their responsibility for

the Corporation in a similar "arms length" fashion; the two Ministers (of Education and Advanced Education) comprising the Authority reflected this difference in approach, since they did not share similar philosophies concerning the governance relationship.¹ The resulting alliance between Advanced Education and the Corporation was considerably more at "arms length" than was the relationship between the Corporation and Alberta Education. Bosetti explained:

The Authority was not a first priority with respect to Advanced Education and Manpower because they are not involved in curriculum development . . . it is a sort of second . . . more an administrative matter. (Interview, Bosetti, March 16, 1983)

These differences served to cause disagreements between the two Ministers which were reflected in the attitudes of their deputies and their respective departments, further aggravating what eventually came to be an untenable situation.² As was pointed out in an earlier

¹Dr. Worth's (then the Deputy Minister of Education) concern proved prophetic:

"I must caution that such a principle [the principle that the AECA will 'direct' the Corporation] would be anathema to those institutions such as colleges and universities who prize autonomy" (Memo, Worth to Morton, July 16, 1973).

²The stalemate was eventually broken (in May, 1981) when another ministry was added to the Authority's structure: that of Utilities and Telecommunications (the Minister being the Honourable Len Werry) with an executive advisory committee made up of the deputy ministers of the three departments now involved, and the Director of the Authority. After Werry's unfortunate accident (and subsequent death) the Associate Minister, the Honourable Dr. Neil Webber, Chairman of AGT, took over the chairmanship of the Authority, and his Assistant Deputy Minister, Gordon Haase, was designated Chairman of the executive advisory committee. For eighteen months prior to the Authority's demise, Haase spent most of his time "sorting out this terrible impasse between the Authority reporting to me" (Interview, Haase, August 25, 1983). He went on to explain that after 1978 the many administrative problems led to the decision that "we didn't need the ministerial link between Government and the Corporation," and thus the decision was made to phase out the Authority as a separate structure.

section of this chapter, after the change in the portfolios of the Ministers comprising the Authority, the responsibility for policy-making fell by default to the Authority's Director and the two Deputy Ministers of Education (the Executive Advisory Committee). The differing philosophies of the two Deputy Ministers caused a divisiveness within this administrative committee, which served further to weaken the position the Authority came to assume in relation to the Corporation and contributed to the lack of clarity regarding the relationship of the Corporation and the Authority.

The polarized positions which developed created polarized alliances which cut across departments and organizations. Furthermore, there were individuals in responsible positions within the Corporation who saw themselves as "professional educators" who could not go along with the course the Corporation had chosen to follow, and who eventually came to leave the Corporation's employment. Chuck Williams, as was mentioned in the discussion in a previous chapter, had come fresh from his experience with the Ontario Educational Communications Authority to assume the position of Vice-President of ACCESS, with the hope that ACCESS would not follow in the OECA's footsteps:

I did not go to ACCESS to do supplementary role programming. I went to do educational programming for a conventional educational system (supplementary role programming is really what OECA went into) . . . supplementary role programming was not what I was interested in. (Interview, Williams, March 7, 1983)

Brian Staples, Director of Programs for ACCESS, before Williams, had experienced similar feelings and left the Corporation for somewhat similar reasons (discussed in Chapter 7). In Staples' opinion, "the

word 'educator' was considered a 'dirty word' by those in positions of power at ACCESS" (Interview, Staples, June 20, 1983).

Alan Robertson, also an "educator" (whose views regarding supplementary role programming were cited in Chapter 8), shared this perspective:

I came from the Alberta classroom . . . My feeling was we should have been listening much more to the needs of curriculum people and program people.

.

Our people [the PPAC] felt that what they've done is renege on their promise. What we have in Ontario is an example. (Interview, Robertson, April 2, 1983)

Officials within the Departments of Education took a similar view, recognizing that Shorter had a broader vision of the Corporation's central mission than merely that of functioning as a service arm.

Bosetti shared his perceptions, as follows:

[The Corporation] was basically a corporate entity that wanted to go its own way and felt it knew what it was, was needed for education and the general public . . . it wanted to become a public broadcasting operation. (Interview, Bosetti, March 16, 1983)

Hrabi corroborated this view: "Larry wanted to develop another TVO here, and we didn't have the resources here" (Interview, Hrabi, March 10, 1983).

This polarization of positions was manifested on yet another front in the battle for independence, as polarized approaches to the Corporation's funding. The section which follows will explore the issue of financial control.

Financial Control

ACCESS is a provincial corporation funded by the provincial government. The independence of provincial corporations is a function of the means of fiscal control employed in the funding of such organizations. In the case of the Alberta Educational Communications Corporation, the governing legislation sets out this relationship in Section 10(1) of the AECC Act (1973) which reads as follows: "The Government of Alberta may make grants to the Corporation from moneys appropriated by the Legislature for that purpose either with or without conditions."

Dr. Earle Hawkesworth, the then Deputy Minister of the Department of Education, eventually came to hold the position that all ACCESS funds should be conditional. Although this was not his view from the beginning, it was one he came to hold after he became increasingly plagued with complaints that ACCESS was not meeting the needs of Alberta Education. As time passed and the number of complaints began to multiply, Hawkesworth made "no secret" of his desire to have all sources of funding completely under the control of his department for "if you don't have control of the funding you don't have control!" (Interview, Hawkesworth, March 24, 1983). Eventually, Hawkesworth had come to the following conclusion regarding the Corporation's funding:

The question of ACCESS meeting the priorities of the Department[s] of Education . . . This problem can only be resolved by having a designated budget item in the Department of Education for those programs it needs . . . But this question cannot be resolved within the Department . . . It is a matter of political will (government policy and the priorities committee within Cabinet). (Interview, Hawkesworth, March 24, 1983)

Hawkesworth's prediction proved to be correct: it was a question

that could not be resolved within the Department of Education alone. It was not politically expedient to do so, even though the legislation (Section 10(1) of the AECC Act, 1973) allowed such a provision. If proponents of this approach had had their way, and all funding was made conditional, then the Corporation would have become simply a vehicle through which money was passed in order to meet the objectives of the programs specified by government; that is, the Corporation would have no jurisdiction of its own. Such an approach would not only have been antithetical to that advocated by Advanced Education, but would have no doubt raised the ire of the CRTC to such a degree that the licence for CKUA could have theoretically been revoked.

Special counsel on legislation, Glen Acorn's interpretation of why the government chose not to restrict the Corporation in this matter is worth noting:

[The government could] set down so many elaborate conditions, the conditions indeed could control ACCESS . . . If the government had chosen to do this (with conditions) it could have exercised a great deal of control by imposing the conditions under which the grants were given. I think there was a great desire on the part of the government to keep the Corporation independent. I don't think they wanted to exercise [it], that is, call all the shots . . . in the hands of other ministers it might have been quite different.
.

The independence of ACCESS is a case of the de facto situation as opposed to the legal situation. (Interview, Acorn, June 9, 1983)

"The de facto situation" is one in which the Corporation operates fairly independently of government control, in its day-to-day business. In the end, however, as with all government funded agencies, ultimate

power lies with the funding source.¹ It is financial control which allows government to overlay all other means of control: where there is conflict with another Alberta statute, the Financial Administration Act is considered to supercede these statutes. Section 2(1) of the Financial Administration Act (Revised Statutes of Alberta, 1980) states the following: "This Act and the regulations operate notwithstanding any other Act except the Alberta Bill of Rights and the Individual's Rights Protection Act . . ." According to this Act, all the

¹This has been especially true since April 1, 1978, when the Financial Administration Act (1977) became effective. This Act covers all provincial corporations, allowing the government a greater potential for control of such corporations than was previously the case (according to legal counsel, Acorn, Interview, June 9, 1983). It will be recalled from the discussion in Chapter 7 that Acorn had pointed out the significance of the term "provincial corporation" ("it deals with the whole gamut of the financial administration of the whole government," Interview, Acorn, June 9, 1983). Acorn pointed out that this Act repealed and was a radical departure from all previous legislation to do with Treasury. According to Section 4(1), Financial Administration Act (Chapter F-9, Revised Statutes of Alberta, 1980):

"There is hereby established a board called the 'Treasury Board' composed of the Provincial Treasurer, who shall be the Chairman and not fewer than four or more than seven other members of the Executive Council appointed by the Lieutenant Governor in Council."

It is of interest to note that at the time of the writing of this dissertation, the Provincial Treasurer is the Honourable Lou Hyndman.

According to Section 5(1) of this Act:

"The Treasury Board may formulate general management policies relating to the business and affairs of the Crown and Provincial Agencies and do any acts it considers necessary to ensure that those policies are carried out."

According to Section 7 of this Act:

"The Treasury Board may make regulations and issue directives that it considers necessary in connection with the exercise or performance of its powers and duties under this or any other Act."

Corporation's money is funnelled directly from the general revenue fund of the government's treasury.

ACCESS was set up to be a fairly independent provincial corporation in that its funds are appropriated by a separate vote (authority to spend money) under Executive Council (Cabinet); that is, ACCESS does not fall under the jurisdiction of any department of government in terms of appropriation of funds, reporting only to the Deputy Minister of Executive Council, who is responsible for overseeing all government appropriations. This system was devised, according to special counsel on legislation, Acorn, in order that "it [ACCESS] would not appear to be a wing of any one department . . . it has been that way since the beginning" (Interview, Acorn, June 9, 1983). Further, the Corporation is exempted from certain administrative controls,¹ it is responsible for writing its own cheques, and is not monitored by Treasury on a day-to-day basis. The Corporation is, however, subject to the restraints of budget as voted by the Executive Council (Cabinet) which determines disbursement. Real control of provincial corporations thus lies ultimately within the provincial government, in order that money will be appropriated according to the allocations determined by the legislature: in Acorn's words, "so it has the effect of law even though

¹Section 2(2) of the Financial Administration Act (1980) states:

"The Lieutenant Governor in Council on the recommendation of the Provincial Treasurer, may by regulation exempt a Provincial agency . . . from this Act . . ."

Arnold Heisler (Comptroller, Provincial Department of Treasury) explained that ACCESS had been exempted from certain administrative functions, "the implication being they do their own things in those areas, not being monitored by Treasury" (Interview, Heisler, August 4, 1983).

it isn't [law]" (Interview, Acorn, June 9, 1983). Comptroller
(Department of Treasury) A. Heisler's point is well taken:

The federal control here is a regulatory one, where they regulate broadcasting. Our control is the financial control of a corporation, really under the Financial Administration Act, in controlling the amount of money that the Government will put in¹ for that purpose, ensuring that it is used for the purposes for which government has put it in. It may be very general, and in this case it is very general. (Interview, Heisler, August 4, 1983)

Heisler explained the composition and operation of the Treasury Board as follows:

The Treasury Board is a Committee of Cabinet (appointed by the Premier—they are members of Cabinet) which has certain powers under the Act. They are a financial management board of government . . . In Alberta it happens to be the same membership as the Cabinet Priorities Committee. The two Committees being made up of the same people, generally meet on the same day. The Premier chairs the Priorities Committee, then when it switches to Treasury Board, the Provincial Treasurer (Lou Hyndman) chairs it . . .

.
(ACCESS budgets their cash requirements)—budgetary provision is made in the Executive Council appropriation [i.e., Cabinet] . . . grants are then paid to ACCESS out of that appropriation (in a lump sum) . . . that goes to ACCESS and they write their own cheques.

.
Generally every provincial agency reports to a minister of a department. In this case it is the Minister of the Executive Council). There is no Minister—there is a Deputy Minister—it was for years, Mr. Harry Hobbs who was recently appointed as Chairman of Alberta Government Telephones .

.
They [ACCESS] may often see themselves as a quasi-independent corporation, but really they were created as a vehicle to

¹ Heisler explained that the AECC Act is not different from the majority of provincial acts establishing corporations, in that the Act designated the Corporation as being subject to the "supply votes" (authority to spend money) and the restraints of budget, voted for the corporation's stated purpose. It is the Executive Council vote which determines the disbursement. (Part 3, Section 29(1) of the Financial Administration Act (1980) addresses "supply votes.") See Appendix E.

deliver what is a government program, and the government will maintain financial control because they couldn't do otherwise [they are funding it] . . . (Interview, Heisler, August 4, 1983)

Mr. Heisler is no doubt accurate in his assessment of the form of control exercised to date, having been "very general." It becomes patently obvious, however, that the potential for more stringent, more specific control, exists, for it is financial control which allows government to overlay all other means of control.

One might conclude, therefore, that the so-called "independence" of ACCESS is, "de-facto," an illusion. If ACCESS is in fact, not independent of government, then a question of even greater significance must be addressed: the question of possible political interference.

Political Interference

The Alberta government had very cleverly devised a solution which satisfied their own need to control the "independent" Corporation they had created, while at the same time complying with federal communications policy in a manner which, as Acorn pointed out, "on the face of it was not offensive":

The idea was to come up with a bill that would . . . satisfy the feds, but yet nevertheless leave the Alberta government with some kind of control over the money.

.
The federal government was giving up this jurisdiction but with some reluctance . . . [due to the situation in] Quebec . . . the politics were such that we could get away with it . . . the point was, on the face of it, it was not offensive. (Interview, Acorn, June 9, 1983)

Recalling that the timing and state of federal-provincial negotiations in the area of communications policy (prompted by

Quebec) were such that it was expedient to act quickly and put the necessary provincial legislation in place. It was not long before the structures unique to this province were in place.

In retrospect, from the vantage point of the understanding gained from this case, Worth's words take on new meaning:

It may have been that if we hadn't gone for the Authority we may have ended up with nothing.

.

When one is involved in "master planning" one cannot foresee all the various modes of implementation that are possible, and often because of the different factors within the environment which come into play, another structure may be used as a means of implementing the final outcome. (Interview, Worth, March 17, 1983)

The "final outcome" to which Worth refers, is, of course, the Authority's demise,¹ which leaves Alberta in a similar situation to that of Ontario, where the provincial corporation and the authority are one. As a provincial corporation² ACCESS is subject to a variety of government controls which, if abused, could be construed as political interference. Some of these controls which apply to ACCESS specifically, will be discussed in this section.

The Board of Directors of ACCESS

The Board of Directors of ACCESS are appointed by Cabinet, according to Section 3(1) of the AECC Act (1973):

¹See Epilogue to Chapter 8.

²The Financial Administration Act (Revised Statutes of Alberta, 1980), discussed above, defines a provincial corporation as:

"A Corporation that is incorporated by or under an Act of the Legislature . . . whose members or directors are appointed or designated, . . . by an Act of the Legislature or . . . by an order of Lieutenant Governor in Council or of a Minister of the Crown or by any combination thereof" (Section 1(n)).

There is hereby established a corporation with the name "The Alberta Educational Communications Corporation" consisting of 15 directors appointed by the Lieutenant Governor in Council. . . .

The provincial government's view in setting up this policy was expounded by the Honourable Lou Hyndman as "the application or the method by which the government's philosophical mandate was delivered to the Corporation" (Interview, Hyndman, April 14, 1983).

It can be argued that the independence of the Corporation is highly dependent on the nature of these appointments, particularly since they are nominated "at the pleasure of the Minister."¹ The individuals who come to fill these positions have a great influence on the Corporation's policy stance.

It is worth noting here that with the removal of the provincial authority as a separate body,² the need to interpret the boundaries of the Corporation's power takes on new dimensions. The Corporation's Board of Directors, designated as being the provincial authority, has a dual function: in effect this becomes a situation of self-regulation. Morton, it will be recalled, was always concerned that the Corporation not take on the characteristics of its Ontario counterpart, becoming self generating and a separate source of educational programming with little reference to the Departments of Education. Acorn's comment

¹Glen Acorn's elucidation of appointments by the Lieutenant Governor in Council is enlightening. These appointments are termed "during pleasure" appointments which allow the government to not only appoint Board members, but also to revoke them at will. In contrast "good behavior" appointments require a resolution of the Legislative Assembly (Interview, Acorn, June 9, 1983).

²See Epilogue to Chapter 8.

is most pertinent:

If ACCESS is the provincial Authority, then the opening phrase in 6(1)(b) [of the AECC Act, 1973] becomes meaningless. They can't take directions from themselves! (Interview, Acorn, June 9, 1983)

Where the Corporation is issuing directions to itself (according to Section 6(1)(b)) and supervising itself (according to Section 6(3)), the potential for political interference becomes increasingly onerous and subject to abuse. The appointment of the chairman, in such a case, takes on even greater significance.

Chairman of the Board of Directors of ACCESS

The Board's Chairman is also a Cabinet appointment according to Section 3(5) of the AECC Act (1973): "The Lieutenant Governor in Council shall designate one of the directors as chairman of the Corporation . . ."

It is evident from the government's choice for the first Chairman of the Board of ACCESS, Justice Michael O'Byrne, that their intent was to keep the Corporation as independent as possible. It is to the government's credit that it selected as chairman, "a judge, not only in fact [in terms of his personality], but symbolically independent" (Interview, Hyndman, April 14, 1983). The discussion in the earlier chapters of this study provided numerous illustrations of Michael O'Byrne's independent approach, which led this researcher to conclude that O'Byrne had a great part to play in influencing the events which transpired. Hrabi, who once served as a member of the ACCESS Board, described him as "forceful," "most influential," "powerful," and "impressive" (Interview, Hrabi, March 10, 1983). Torgunrud, also a

past Board member, described him as follows:

He was the one who really gave the kind of judgmental and decisive strength to it and he also at the moments when it was necessary as Chairman took it upon himself to personally lobby and lobby forcefully. . . . an impressive man!
(Interview, Torgunrud, March 16, 1983)

The strong leadership qualities which held O'Byrne¹ in such high regard in the eyes of his board, no doubt helped shape the development of the aggressively independent stance which the Corporation came to adopt. This suggests that the position of Chairman affords the opportunity of wielding considerable power, should the person holding that position so choose. Prudence is therefore required in the selection of people to fill this role, for as Acorn pointed out:

The independence of the Corporation depends to a large degree on the personality of the Chairman. If he is going to "play ball" with the government and go along with all of their guidelines or suggestions and therefore not demand independence, the independence disappears. (Interview, Acorn, June 9, 1983)

The President and Chief Executive Officer of ACCESS

The President and Chief Executive Officer of the Corporation is also a political appointment, designated by Cabinet, according to Section 8(2) of the AECC Act (1973): "The Lieutenant Governor in Council shall appoint a person as President of the Corporation, who shall be the chief executive officer of the Corporation . . ."

It can be argued that the Corporation's independence from government interference is very much a function of the person who holds the position of President. Prudence is required in the selection of people to fill this position, as another means of avoiding the abuse of power.

¹The Chairman of the ACCESS Board, Mr. Justice Michael O'Byrne, retired in 1979, and was replaced by Dr. Jack Snedden in 1980.

The Issue of Independence: Revisited

The discussion in the preceding chapters revealed that Shorter was chosen to fill the position as the Corporation's first President because he had been "the prime architect" (Interview, Worth, March 17, 1983) in the development of the idea of a Corporation. It seemed the logical choice to Worth, and others, that Shorter should be given the opportunity to implement the policy he had helped create. In doing so, Shorter had a great influence in shaping the Corporation's "personality" and in waging the battle for the Corporation's independence.

It was Shorter who brought to the Authority's attention the possibility of perceived political interference which gave so much cause for concern prior to each of the CRTC hearings. The battle for independence ostensibly became a three-way battle involving not only the Corporation and the Authority, but the CRTC as well; in reality, however, it never erupted into a serious issue with the CRTC. Worth admitted that "some of us saw ACCESS as being a quasi-independent Corporation and at that time would use the CRTC . . . for bolstering the arms-length relationship" (Interview, Worth, March 12, 1983).

Bossetti corroborated Worth's observation with his own:

The ACCESS Corporation would use the interference in a variety of ways. They continued to say that the CRTC will lift our CKUA licence . . . that threat was used as an argument to have the Act changed . . . [but] the CRTC was always satisfied [without the Act being changed]. (Interview, Bosetti, March 16, 1983)

Although there was much made of the threat of revocation of the CKUA licence should Section 6(1)(b) of the Alberta Act not be

amended, in the end the licence was always renewed without an amendment to the AECC Act taking place. As was noted in Chapter 7, a memo from Haase observed that concern for the independence of ACCESS "is at the official level¹ only between the legal counsel of CRTC and the Director of the Alberta Educational Authority" (Memo, Haase to Warrack, August 20, 1976). When questioned in this regard, Shorter and O'Byrne conceded this to be the case, admitting that "it was the legal counsel protecting the CRTC and their jurisdiction who always fussed about it" (Interview, Shorter and O'Byrne, April 12, 1983).

The issue of amending the Alberta Act which had been "fussed about" by the Corporation's Chairman (O'Byrne) and President (Shorter) and the CRTC's legal counsel (Johnston) eventually ceased to be an issue. Ultimately, the government's position (recommended by Haase) became the following:

The fundamental concern of the province is to establish and retain authority and control over "educational programming"

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In order to maintain the provincial position it seems essential that the legislation establishing ACCESS should be strongly worded. (Memo, Haase to Warrack, August 20, 1976)

The CRTC, however, continued to be vigilant of the potential for lessening the independence of the Corporation "still inherent in the wording of the Act" (CRTC Decision 76-715, September 30, 1976, cited in Chapter 7) and continued to assess the relationship between the Authority and the Corporation. Although Morton had urged the other provinces (through the CMEC) and his own government to renegotiate

¹Williams termed the independence issue a "non-issue," and a "red herring," further suggesting that the proliferation of correspondence served to create "a smokescreen" (Interview, Williams, March 7, 1983).

a different definition of educational programming with the federal government¹ from that embedded in the federal "Direction" (OC PC 1972-1569), it was never done. Although Morton urged his own government to develop a communications policy, this to date has not been forthcoming, and the question of "independence" still remains unresolved.

The above discussion reveals that one of the over-riding dangers which the dilemma of the divided jurisdiction poses, is the ever-present possibility of political interference. The quintessential question remains: Is it possible for a so-called "independent" corporation funded by government to be independent of that government?

The findings of this study indicate that in the Alberta case it is not possible for a provincial corporation to be independent of the government which funds it. The tools are in place for government to take control of the Corporation if it so wishes. Section 10(1) of the AECC Act (1973) had made such provision a decade ago, with the wording "with or without conditions" in relation to the grant of moneys which the government appropriates to the Corporation. More recently, enabling legislation was enacted (the Financial Administration Act, 1977, effective April 1, 1978—see Footnote 1, page 309) which supercedes all other statutes. The "de facto" situation,² therefore, is one which

¹This point was elaborated earlier (Chapter 8, page 215) with the citing of a memo from Morton to Hohol and Koziak (October 12, 1976) in which Morton strongly recommended that this province provide the political solution required, by developing a communications policy.

²See Section 2(1) and Section 40 in the Act, Appendix E. The comments of Gordon Haase, Associate Deputy Minister of Utilities and Telecommunications and Chairman of the AECA Executive

allows government complete and overriding control, should it so choose. That control has never, to date, been exercised but that does not preclude this potential means of control being discharged should the government of the day deem it necessary to do so. It is conceivable that a change in the membership of the Cabinet could bring with it a change in attitude of government toward political involvement in the Alberta Educational Communications Corporation. As Acorn noted: "The independence of ACCESS is really based on the principal players and that could change" (Interview, Acorn, June 9, 1983). The discussion of the issue of the Corporation's independence is therefore not complete without an examination of "the principal players."

"The Principal Players"

As one of the prime architects of not only the Alberta Educational Communications Corporation Act, but also of the enabling legislation discussed above, it is evident that the Honourable Lou Hyndman (now serving as Provincial Treasurer) is a key actor who has played, and continues to play, a most significant role in the policy development process illuminated by this case. The data have revealed that a small "elite" group led by the Honourable Lou Hyndman shaped and implemented the policies which were documented in this study. O'Byrne, Worth,

Advisory Committee, are worth noting here:

"[Now] our Minister (Utilities and Telecommunications) is responsible for the administration of the AECC Act—Mr. Bogle—although you will notice that he is not mentioned in the AECC Act. This is where financial administration and government overlays the whole thing. There is a way that these things are taken care of. Whoever is designated as the Authority carries out these functions" (Interview, Haase, August 25, 1983).

Shorter, Morton and Hawkesworth are names which stand out as being most prominent. Closer scrutiny, however, reveals that Hyndman's role was most significant of all. Beginning with his election to the House in 1967, Hyndman served as educational spokesman in the legislature as one of five Progressive Conservative members of the official opposition to the Social Credit government. With the change in government in 1971, and his appointment as Minister of Education, Hyndman was responsible for shaping the legislation which created the Corporation and the Authority, sponsoring the Bill at the time of its introduction in the House. At the time of the passing of Bill 45 (May, 1973), Hyndman wore "two hats" which served to lend even greater weight to the Bill's significance. In Torgunrud's words:

At that time, Lou Hyndman would have been leader of the House as well as Minister of Education, so anything to do with legislation would have been of additional significance, apart from his educational responsibilities. (Interview, Torgunrud, March 16, 1983)

The previous discussions also reveal that Hyndman has been a key member of the inner cabinet since the Progressive Conservative government's rise to power. Hyndman, always highly respected and an influential opinion-leader, has continued to serve as a major policy-maker in the Cabinet Committee on Priorities and Planning. Hyndman has retained this status, to date, and at the time of the writing of this dissertation, is serving as Provincial Treasurer.¹

¹The discussion in the preceding section of this chapter revealed that the Treasury Board is a committee of Cabinet appointed by the Premier (a financial management committee). Recalling Heisler's explanation:

"In Alberta it happens to be the same membership as the Planning and Priorities Committee . . . the two Committees being made up of the

As "lead" minister for the Authority during the Corporation's "honeymoon period," Hyndman was in a key position to monitor and guide the implementation of the policy he had played so great a part in shaping. As spokesman for the Corporation and the Authority, both within the inner Cabinet and in the Legislature, Hyndman protected his charges well. In the administration of these responsibilities, Hyndman participated as an active member of the Policy Planning and Advisory Committee to the Authority, and by working directly with the Authority's Director (Morton), was always available at a moment's notice for consultation.¹ At the centre of power, and as a member of the power elite, Hyndman not only shaped the complex structures which he had helped devise but was in the enviable position of implementing the very policies he had played a key role in creating. Once the Corporation and the Authority were functioning, however, political forces intervened which caused some changes to take place. Although policymaking was the function of the Ministers who comprised the Authority, the execution of these policies fell to the Authority staff. A provincial election in 1975 changed this relationship, resulting in a blurring of these roles. After the election was over, the Honourable Lou Hyndman was moved to a different Ministry, and the Honourable Julian Koziak became the Minister of Education. As time passed,

same people, generally meet on the same day. The Premier chairs the Priorities Committee, then when it switches to Treasury Board, the Provincial Treasurer Lou Hyndman chairs it" (Interview, Heisler, August 4, 1983).

¹This situation ended after the provincial election in 1975, and the change in ministerial responsibilities, Hyndman being assigned another portfolio.

responsibility for the Authority was increasingly delegated to the Executive Advisory Committee, comprised of the two Deputy Ministers and the Executive Director of the Authority.¹ This committee (as Chapter 7 explained) was an administrative structure specifically devised to deal with matters which had formerly been given top priority when Hyndman served as "lead" Minister. As Worth noted, "In actual fact the two Deputies became the Authority. They met frequently and made the decisions and the Ministers usually ratified them" (Interview, Worth, April 4, 1983). Once the structures which had been devised were operational and functioning, the Ministers turned their attention to other pressing matters which required their consideration: problems of paramount provincial concern, spawned by the complexity of the divided jurisdiction which comprises educational broadcasting. Morton shared his perception of the dilemma he experienced in reconciling policies made at the provincial level with policies made at the federal level. He described this dilemma as "the problems of policymaking under two rubrics" stemming from "two perceptions that are quite different, and as a matter of fact have become more antagonistic as time goes on":

I think that is behind the move to get rid of the Authority and do it in this particular way because it related more to the reality of the perception that the Alberta government has of its role in communications vis-a-vis the federal government . . . those kinds of jurisdictional considerations, because all of this has to be thought of in the larger framework of communications policy.

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The scene shifted from focus on education to a focus on

¹ Shorter pointed out that after the demise of the PPAC, the Executive Advisory Committee became even more "visible" (Interview, Shorter, April 12, 1983).

communications and provincial licensing—and that is still the arena! (Interview, Morton, March 18, 1983)

That "arena" of communications policy and federal-provincial relations will be discussed in the section which follows.

Context: The Arena of Federal-Provincial Relations
and Communications Policy

This study has explored the evolution of educational broadcasting policy within the province of Alberta. The purpose of this section is to place public policymaking in educational broadcasting within the larger context of federal-provincial relations as they relate to communications policy. The complexity of the nature of the policy environment demands that studies done in this area "require a careful analysis of specific issues on a case-by-case basis" (Woodrow et al., 1980:v).¹ In keeping with this axiom, this chapter has been devoted to providing an analysis of "specific issues" which were illuminated by this case. The analysis, however, is not complete without addressing the setting in which public policy in educational broadcasting must be developed. The focus of the discussion must therefore shift to reflecting on the political arena—the larger "inter-governmental context" of federal-provincial relations as they relate to communications policy, for this is the environment in which policymaking in educational broadcasting is embedded.

At the same time the developments which this study has documented

¹This quotation is from Carl E. Beigie's (the President of the C. D. Howe Institute) forward to the Institute's publication (Woodrow et al., 1980).

were taking place at the provincial level, important events were transpiring at the level of intergovernmental relations. The reader will recall that the discussion in Chapter 3 defined this arena of intergovernmental relations in terms of "co-operative federalism," citing Smiley's (1977a:259) description of the negotiation and bargaining which characterize "co-operative federalism" as being "in essence a series of pragmatic and piecemeal responses by the federal and provincial governments to the circumstances of their mutual interdependence." Because public policymaking in communications reflects the broader issues and processes of "co-operative federalism," the evolution of the legislative and administrative framework for communications policy in Canada has come about as a result of a negotiation process in which both levels of government were involved. Woodrow et al. (1980:14) describe this process in a manner which echoes Smiley's elucidation:

This framework has evolved in piecemeal fashion over the year in response to the recurrent introduction of new technologies and as a result of an ongoing assessment of existing practice.

It is the fundamental fact of Canadian federalism which has necessitated these processes of negotiation between the two levels of government. Doern (1979:169) corroborates this view, relating it to the regulatory process:

Federalism also imposes its curses and its blessings on the regulatory process. Federalism divides constitutional jurisdiction. Politically it legitimizes the right of provinces and the federal government to pursue independent and different priorities, albeit taking into account the "national" pressures imposed on them by their interdependence.

The dilemma becomes one of reconciling what are often two

irreconcilable views: policies made at the provincial level with policies made at the federal level. It is this dilemma which lies at the root of the problems posed by the divided jurisdiction of educational broadcasting. The advent of more sophisticated communications technology has further exacerbated an already difficult area of overlapping regulatory responsibilities. Given the rapidly evolving nature of communications technology, the determination of jurisdictional and regulatory arrangements becomes increasingly difficult. Indeed, Woodrow et al. (1980:9) point out that "There is the increasingly serious danger that technological developments may overtake the capacity of political arrangements—both jurisdictional and regulatory—to handle them."¹ These authors predict that "rapid advances in communications technology will make the task of judicial interpretation in this field increasingly complex" (Ibid.). The significance of these developments as they affect public policymaking in communications is that policies

¹Two articles in The Globe and Mail which address this issue are worth noting:

(a) An article entitled "CRTC Faces Host of Problems" (The Globe and Mail, September 30, 1983) speaks of the time period, 1979, when "the commission was already seen in some quarters as being hopelessly outdated and fighting a losing battle with developing technologies."

(b) An editorial entitled "Let Us Communicate" (The Globe and Mail, October 1, 1983) claimed "technology has outdated the Government's approach to limits on broadcasting." Further, the editorial made another interesting point:

"The federal Cabinet kept interfering in CRTC decisions. Mr. Meisel [retiring Chairman, CRTC] said that if the Government gives the CRTC policy directives it should reduce appeals to the Cabinet because they are "an invitation to vested interests and lobbyists to converge on ministers in an effort to undo behind closed doors, decisions reached by the Commission [CRTC] in public hearings."

governing what were once considered to be discrete boundaries of federal and provincial jurisdiction are no longer valid. Increasingly the established pattern of centralized federal dominance over communications is being called into question by provincial governments intent on realigning legislative and administrative frameworks negotiated in the past.

Woodrow et al. (1980:1) view this "juxtaposition of a rapidly developing communications technology and an established institutional framework" as having aroused "considerable conflict" between the federal and provincial governments over the past decade.

It is not only the rapid pace of technological developments, however, which has facilitated a steadily increasing expansion of provincial involvement in various aspects of communications policy. There have been other forces at work in the last decade which have been described by Wilson (1979:193) as "evolutionary environmental factors" which were "signalling the decline of federal powers." A phenomenon termed "province building"¹ has also caused provincial governments, committed to building strong provinces and determining their own future development, to increasingly challenge the federal policy of centralized domination over all aspects of communication. Many provinces have taken the position that communications are a vital aspect of "province building," as Schultz (1982:59) explains:

All provinces saw communications as integral to "province building." Consequently, they wanted a significant degree of control over areas previously federal and thus a transfer of decision-making power from the federal government.

¹This term is drawn from Smiley's (1980:205-208) now famous phrase of "nation building versus province building."

In the decade of the 70's, a number of federal-provincial conferences and interprovincial meetings were held, all of which ended in failure, the provincial governments taking the position that the federal government has no right of jurisdiction over matters which take place within provincial borders.¹ Finally, in 1978, agreement was reached on one area of communications policy, that of cable. The federal government attempted to introduce legislation which would have allowed them to enter into agreements with the provinces regarding provincial responsibility for cable distribution systems. This legislation would have provided for an interdelegation of certain regulatory and administrative functions. A series of political events,² however, intervened, which disrupted the proposed legislation, bringing it to an end, for as Woodrow et al. (1980:52) point out, "in the fall of 1978 . . . the conflict over communications policy became caught up in the broader movement toward constitutional reform." Sheppard and Valpy (1982:2-3) describe the year 1978 as the time "when the cacophony of provincial demands for more jurisdictional power within the

¹Control over cable distribution systems is an area of communications policy where the provinces have been particularly vocal. Many provinces, including Alberta, have continued to press for control of these systems on the grounds that they are of an "intra-provincial" nature, because they operate within provincial borders. Alberta's position on this matter will be addressed later in this chapter.

²The major political event, the movement toward constitutional reform, is discussed above. Mention must be made, however, of another event of importance: that of the federal election of May 22, 1979, which brought the victorious Progressive Conservatives to power, for only a short period. Their policy was one of allowing the provinces greater control over communications. Their defeat in December, 1979 led to the defeat of the proposed legislation discussed above.

federation had reached a crescendo." The authors go on to claim:

Co-operative federalism is as dead as Pearson. . . .

What the Westerners are saying is that the two levels of government are equal. ("Who speaks for Canada? We all do," had been Lougheed's reply in 1978, as he reached for the title of executive federalism's¹ strongest proponent.)

The provinces argued for constitutional reform, challenging the federal government's exclusive right to determine major policy decisions as "coming within the purview of both governments" (Wilson, 1979:207²). Wilson elucidates in terms of the constitutional debate:

When the Pandora's box of the division of powers is finally opened in the constitutional review process, it is certain that the provincial governments will be making substantial demands.

These issues were not resolved in the constitutional review process, and although a discussion of this debate is beyond the scope of this dissertation, it is of importance to note that the provinces' interest in controlling intra-provincial communications continues to

¹The concept of "executive federalism" is described as a method for negotiating cooperation which is "unique" to Canada (according to Smiley, 1977a:268 and D. Stevenson, 1979:90; see Chapter 3, pages 35, 36). Wilson (1979:190) describes it as an "elaborate framework of intergovernmental bargaining and negotiation called by a variety of names," including "executive federalism" and "co-operative federalism." Chandler and Chandler (1979:154) add that it is a "forum of elite decision making which takes place behind closed doors."

²Wilson (1979:198-199) further points out that Quebec was the first province to establish a ministry of intergovernmental affairs, and Alberta and Ontario were quick to follow. The federal government responded with setting up the following structures:

"The Federal-Provincial Relations Office (FPRO) and a Cabinet Committee on Federal Provincial Relations, and finally in late 1977, the establishment of a Minister of State for Intergovernmental Relations and the conversion of the FPRO into a small central agency. . . . There has been a very strong inclination in some provinces (Alberta, Ontario, and Quebec) to subordinate the organizational structures of intergovernmental relations to the political considerations involved in the process . . . as a mechanism for political combat.

be of paramount importance. Whether the province of Alberta will, in the future, limit itself to the educational field in claiming control over its intra-provincial broadcasting endeavors, or whether it will follow Quebec's lead¹ in laying claim to a broader interpretation of educational programming, is a matter of conjecture. Quebec has increasingly been moving in the direction of asserting its jurisdiction over "cultural" programming which impinges on the area of "general broadcasting";² the federal legislation defines the latter as being under the purview of the federal government. Recalling earlier discussions of the struggle to define the limits of federal and provincial interests in educational broadcasting, it was noted that the meaning of the word "education" in the broad definition of educational programming embedded in the federal legislation (OC PC 1972-1569),

¹Quebec designated their Minister of Communications and their Minister of Education as comprising their provincial educational communications authority. This was part and parcel of Quebec's "Quiet Revolution," the movement to control all aspects of its cultural and economic development and achieve provincial autonomy. It was the federal government's desire to accommodate Quebec that provided the impetus for the bargaining process in the federal-provincial negotiations, documented above.

²The federal "Direction to the CRTC," Order in Council PC 1972-1569, contains a broad definition of educational programming which ends with the following statement:

"... which programming, taken as a whole shall be designed to furnish educational opportunities and shall be distinctly different from general broadcasting [emphasis not in the original] available on the national broadcasting service or on a privately owned broadcasting undertaking."

Quebec has taken the position that should the CRTC assume the task of ensuring that provincial programming conforms to the definition embedded in the "Direction," this might constitute an infringement of the province's right of jurisdiction over education (conferred by Section 93 of the BNA Act).

determined the limits of federal and provincial jurisdiction (the educational content being left to the provinces as their responsibility). A more restrictive definition would have limited provincial flexibility to determine their responses to the federal legislation in setting up provincial educational broadcasting agencies.

The very broadness of the definition, however, invites an overlap of programs considered to be "educational" and programs classified as being "general broadcasting." The difficulty of enforcing the "distinctly different" clause, embedded in the federal "Direction," thus becomes self-evident. It is, therefore, arguable that the broad definition of educational programming permits the possibility of potential abuse by provincial governments becoming involved in determining programming content. Further, if a provincial government, already licensed to engage in educational broadcasting, employs that system in broadcasting programs of a "political" nature, the danger becomes twofold: first, the more obvious peril of political interference and second, the more subtle shift in emphasis and programming priorities could result in a situation where the system fails to meet the educational needs of its constituents. Thus, a broad interpretation of the definition of educational programming could invite its abuse, thereby neglecting the educational interests of the community. It is important to recall here that the Alberta solution in all its complexity had been devised as the most politically expedient means of satisfying both the federal demands for an "arms length" relationship with the provincial government, and the province's desire to control its publicly funded provincial communications corporation.

This was accomplished by creating an "independent" Corporation, in compliance with the federal "Direction," and an "Authority" as the provincial government's means of controlling its Corporation. It was the lack of specificity of the federal "Direction" in defining provincial "independent" authorities which allowed the provinces enough freedom to devise their own solutions in response to the federal legislation. Atkey's (1970) oft cited article ("The Provincial Interest in Broadcasting under the Canadian Constitution"), still considered to be the most definitive treatise on this topic, explains this lack of specificity of federal policy as having been intentional, in order to allow the provinces the flexibility they required in order to meet their own unique needs. Atkey (1970:230) took the position that although the federal government might have been more explicit in defining the sort of independent body it envisaged, as a "provincial authority," there was good reason why this was not the policy taken:

It well might have been that some provincial governments insisted during negotiations on preserving a right to name whomever they pleased as the designated "provincial authority," and on their own terms, thus causing the federal government to take a more restrictive and paternalistic approach in respect of the licensing requirement as the price for this right.

As Atkey predicted, the compromise solution negotiated by both levels of government (OC PC 1972-1569) required a political trade-off. Provincial governments were allowed to name "whomever they pleased as the designated 'provincial authority' and on their own terms."¹ In

¹The federal "Direction," Order in Council PC 1972-1569, forms the mandate for educational broadcasting. This "Direction to the CRTC" defines the provincial authority as "such person, body or authority as may be designated by the Lieutenant Governor in Council of a province . . ." The Alberta government took this direction at its word, incorporating that provision in Section 2(1) of the AECC

exchange for this flexibility, the federal government exacted the price of retaining the right to determine whom they deem eligible to hold licences. Thus, the provinces paid a price for their success in achieving concessions from the federal government: the price of agreeing to be subject to the licensing and regulatory power of the federal government's agent, the CRTC. The process of negotiating the compromise solution (OC PC 1972-1569) which forms the mandate for provincial educational broadcasting is illustrative of what Sheppard and Valpy (1983: 12,13) term "the Canadian way," the "middle road of compromise and tradeoffs." Doern (1979:169) makes the point that our federal system of government (which "divides constitutional jurisdiction") encourages this means of negotiating:

Federalism also requires the striking of bargains . . . because many areas of jurisdiction are blurred . . . the political trade-offs between levels of government are made, not just in the area of regulations themselves, but also in the enforcement of regulations.

Certainly the field of educational broadcasting, an area of divided jurisdiction, fits Doern's description of being "blurred," in the sense that because its boundaries cannot be discretely determined, "political trade-offs" result. This case study has revealed that the ambiguity of the "blurred" and divided jurisdiction of educational broadcasting caused a highly unstable situation to evolve in Alberta,

Act (1973): "The Lieutenant Governor in Council may designate any person or persons or any other body as the provincial authority for Alberta." The Alberta Act thereby allowed the government to designate, as they had predicted, "whomever they please," as the provincial authority.

The Authority, initially comprising the two Ministers of Education, was devised in this form as part of the process of negotiating with the federal government.

which culminated in what was described as a "battle for independence."

In the context of the Alberta case, the explanation offered by Rabinovitz et al. (1976:408) seems most appropriate:

Obviously, an ambiguous issue in an open arena will produce a turbulent and conflictual situation. But an open battleground also yields a highly unstable political situation and creates its own pressure for a resolution.

The "highly unstable political situation" and its accompanying "pressure for a resolution," in the Alberta case, eventually resulted in the Authority's demise, and a shift in the locus of political activity. Whereas the political climate had once encouraged the development of provincial broadcasting agencies and nurtured their evolution by providing an appropriate jurisdictional and regulatory environment, over time the scene has shifted to a different political arena. The most recent arena of federal-provincial negotiations in communications policy is that of "intra-provincial" communications (which includes all broadcasting and non-broadcasting enterprises¹ which take place within provincial borders). Gordon Haase, Assistant Deputy Minister of Utilities and Telecommunications, and the administrator who implemented the government's policy to phase out the Authority, elaborated:

¹Of particular significance here is the potential for provincial control offered by cable television systems, which by definition are "intra-provincial" undertakings since they are licensed to operate within specific geographical areas (within provincial borders). Although cable television undertakings are technically classified as being non-broadcasting enterprises, the federal government continues to treat them as comprising part of the Canadian broadcasting system. Recent advances in the technology of satellites and computers, however, are serving to further erode what has come to be perceived as the federal government's out-moded centralized monopoly of all aspects of communications policy, which includes cable television undertakings.

What began as a provincial corporation set up for the purpose of broadcasting educational programming, moved into a different arena—that of provincial control over an 'intra-provincial' matter of no concern to the federal government. (Interview, Haase, August 25, 1983)

The Honourable Lou Hyndman made no secret of the Alberta government's position on this matter:

Our general approach has always been that where there is broadcasting that is carried on within the province of Alberta—it is intra-provincial [and therefore under the control of the province of Alberta] (Interview, Hyndman, April 14, 1983)

One might speculate that an already well entrenched province-wide educational broadcasting system (which can also be categorized as an "intra-provincial" undertaking) might offer excellent leverage for future negotiations with the federal government, should the government of Alberta wish to enhance its powers to include other "intra-provincial" broadcasting and non-broadcasting enterprises which take place within provincial borders. Since provincial governments already exercise authority over provincially licensed educational broadcasting systems, a possible avenue for such future negotiations with the federal government is offered by the ambiguous broad definition of educational programming embedded in the federal "Direction" (OC PC 1972-1569). Because the definition¹ has lacked specificity, it has fostered the maintenance of highly unstable political situations which fall under its mandate. In our present era of "province building," it is conceivable that provincial governments will take the initiative to expand their interpretation of the definition to include cultural and more general programming, thereby

¹The definition states only that "such programming taken as a whole . . . shall be distinctly different from general broadcasting."

bringing educational broadcasting into the broader arena of "intra-provincial" communications.

Subsuming educational broadcasting into the category of "intra-provincial" broadcasting would, however, require a renegotiation of the definition of "educational programming" and the federal "Direction" by the two levels of government. Should the provinces be successful in their endeavors to increase their control over all broadcasting activities which might be deemed "intra-provincial," the elevated status which educational programming once enjoyed would no longer hold true. Should this occur, it can be anticipated that the professional educational community would loudly remonstrate, for it is the provision of services to meet their needs which would be jeopardized. Given the present federal-provincial climate, however, there is a likelihood that such control could be exercised. Certainly, the changing nature of technology and the altered balance of power in federal-provincial relations lead to the conclusion that provincial control over communications may well increase, thereby resolving what has become an outmoded solution to the divided jurisdiction of educational broadcasting.

Summary and Conclusions

This study has chronicled the evolution of policy in educational broadcasting at the provincial level (Alberta) and placed those events in the context of evolving federal communications policy. The study traced the highly centralized history of communications policy (envisaged as a "single system") and its expression through legislative

jurisdiction. The highly decentralized history of educational policy was noted, the BNA Act clearly assigning exclusive jurisdiction over educational matters to the provinces. The advent of educational broadcasting which engendered much debate due to its inherent problems of divided jurisdictions was delineated. The study described the compromise solution to these problems which was negotiated between the federal government and the provinces, whereby an interdelegation of administrative responsibilities was assigned. A federal government "Direction to the CRTC," Order in Council PC 1972-1569, authorized the licensing of "independent" provincial educational authorities under the jurisdictional and regulatory authority of the federal government.

It was against this background that a provincial educational authority evolved in Alberta. The first such authority, in the form of an advisory committee to the Minister of Education, was created by the Social Credit government in 1970. After the Progressive Conservatives' rise to power in 1972 and the appointment of the Honourable Lou Hyndman to the Ministry of Education, it was decided that it would be politically expedient to continue the previous government's policy, but in a modified form. The new government's response to the federal legislation (OC PC 1972-1569) was to create two separate statutory structures: the Alberta Educational Communications Corporation (ACCESS) and the Alberta Educational Communications Authority, through which the Corporation would report to government. The Corporation would be "independent" thereby satisfying the federal legislation; the Authority would serve as the link to the provincial government, thereby protecting the integrity of provincial jurisdiction over education.

The Alberta legislation (the AECC Act, 1973) did not, however, specify who would comprise the Authority, Section 2(1) of the Act permitting "any person or persons or any other body" to be designated as the provincial authority. Directly following the proclamation of the legislation, the two Ministers of Education were designated as the provincial authority, linking the provincial government to the Corporation through the two Departments of Education.

But there were problems inherent in the federal "Direction." The federal legislation did not specify the role of provincial authorities with regard to their control over the content of educational programming, leaving the interpretation to the individual provinces. Further, a broad definition of "educational programming" embedded in the federal "Direction" stating only that such "programming taken as a whole . . . shall be distinctly different from general broadcasting," spawned a variety of inconsistent interpretations of this policy to take place at the provincial level. The Alberta legislation reflected the ambiguity of the federal "Direction" in that it specified only certain aspects of the relationship between the Corporation and the Authority. Section 6(1)(b) of the AECC Act (1973) empowers the provincial authority to issue "directions" to the Corporation, and Section 6(3) states that the Corporation's programs are subject to "supervision or assessment or both by the provincial authority." Other aspects of the relationship, however, were to be worked out in practise by what the Ministers termed "a process of consultation and mutual agreement." What evolved, instead, was an acrimonious alliance and a power struggle, as each organization sought to increase its area

of jurisdiction and define its sphere of control. This study documented what was described as "the battle for independence," the battleground on which it was contested being the interpretation and application of the word "direction" in Section 6(1)(b) of the AECC Act. The Departments of Education, through their representative, the "Authority," struggled to discharge their constitutional responsibility for the content of educational programming. The Corporation and its Board of Directors fought to maintain the Corporation's independence from government control. In the absence of a clear government policy position regarding this issue, the advisory committee to the Authority (the PPAC) took a strong stand, dispatching "Policy Directives" in accordance with Section 6(1)(b) of the Act. The title of these "Directives" was eventually softened to "Guidelines" (1978) and the PPAC was thanked for their contribution and disbanded. A few years later the ACCESS Board of Directors were designated as the "provincial authority" and the Alberta Educational Communications Authority ceased to exist as a separate entity. The Corporation, it seemed, had won the battle for their independence, for the structures which had contributed to their adversarial relationship with government—the Authority and its advisory committee, had been removed. The findings of the study, however, indicated that this so-called "independence" is, in reality, only operational independence, for ultimate control of the Corporation rests with the provincial government. Like all other provincial corporations in Alberta, funds for ACCESS are appropriated by the Executive Council (Cabinet); unlike other provincial corporations, however, due to the "arms-length" relationship

required by the federal "Direction" (OC PC 1972-1569), the Corporation's funding appropriations are not determined by a department of government. The funding of ACCESS is the responsibility of the Deputy Minister of Executive Council (Cabinet). It was therefore concluded that the Corporation's "independence" is an illusion, which raises a question of even greater significance: that of possible political interference. Although the findings of this study indicate that such interference has not to date been exercised, the possibility of its occurrence must be considered. This suggests the importance of clarifying the role of provincially owned educational "authorities" authorized to hold licences for broadcasting educational programming.

The study was concluded by addressing the over-riding contextual factors which have an over-riding effect on the state of the Alberta Corporation's independence: the changing nature of the technological as well as the political environment in which communications policy must be made. The dilemma is one of reconciling what are often two irreconcilable views: policies made at the provincial level with policies made at the federal level. It is this dilemma that is at the root of the problems posed by the divided jurisdiction of educational broadcasting. This highly unstable situation creates pressures which invite political solutions. Further, the altered balance of power in federal-provincial relations resulting from a fairly recent phenomenon known as "province building" has brought with it increased challenges for provincial control over "intra-provincial" communications. Advances in the state of technology have further eroded the federal government's outmoded centralized control over all aspects of

communications policy, bringing into question previous determinations of appropriate jurisdictional and regulatory arrangements.

The findings of this study reveal that in the Alberta case, a political solution was imposed which permits the possibility of educational broadcasting policy being brought into the broader arena of "intra-provincial communications." Speculation concerning the possibility of future solutions to the problems posed by the divided jurisdiction of educational broadcasting suggests that a renegotiation of an expanded definition of "educational programming" embedded in the federal "Direction," to include "general broadcasting," could bring educational programming under the rubric of "intra-provincial communications." There has, however, been no resolution of this matter to date.

Meanwhile the quintessential question must be addressed: Is it possible for a provincial corporation funded by government to remain sufficiently independent of that government in practice so as not to violate the federal "Direction," yet controlled enough to fulfill its mandate of meeting a province's educational needs? In the absence of authoritative judicial clarification of the jurisdictional question, the dilemma inherent in the divided jurisdiction of educational broadcasting remains unresolved.

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APPENDICES

APPENDIX A

THE ALBERTA EDUCATIONAL COMMUNICATIONS
CORPORATION ACT (1973)

Bill 45



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1973

CHAPTER 3

**THE ALBERTA EDUCATIONAL COMMUNICATIONS
CORPORATION ACT**

(Assented to May 10, 1973)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1. In this Act,

- (a) "by-law" means a by-law of the Corporation;
- (b) "Corporation" means The Alberta Educational Communications Corporation;
- (c) "director" means a director of the Corporation;
- (d) "provincial authority" means the provincial authority designated pursuant to section 2.

Designation of provincial authority

2. (1) The Lieutenant Governor in Council may designate any person or persons or any other body or authority as the provincial authority for Alberta for the purposes of this Act and any direction of the Governor in Council made pursuant to section 27 of the *Broadcasting Act* (Canada) and may specify the name of the provincial authority so designated.

(2) The provincial authority may

- (a) establish one or more advisory committees for any purpose in connection with this Act and appoint its members,
- (b) prescribe the powers and duties of an advisory committee so established, and
- (c) prescribe the remuneration to be paid to members of an advisory committee, which may be paid from moneys appropriated by the Legislature for the purposes of this Act.

(3) In accordance with *The Public Service Act* there may be appointed a director and such other employees as may be required for the purposes of conducting the business and affairs of the provincial authority.

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Corporation
established

3. (1) There is hereby established a corporation with the name "The Alberta Educational Communications Corporation" consisting of 15 directors appointed by the Lieutenant Governor in Council in accordance with this section and section 4.

(2) Not less than three and not more than four of the directors shall be employees of the Government of Alberta.

(3) No employee of the Corporation shall be appointed as a director.

(4) The Lieutenant Governor in Council shall, in making an appointment under this section, prescribe the term of office of the director so appointed which shall not exceed three years, but this subsection does not operate to preclude the re-appointment of any person as a director.

(5) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Corporation and another as vice-chairman and shall prescribe their terms of office as chairman and vice-chairman respectively.

(6) In the event of the absence or inability to act of the chairman or in the event that the office of chairman is vacant, the vice-chairman shall be the acting chairman of the Corporation and in that capacity has all the powers and duties of the chairman.

(7) The directors, other than employees of the Government, shall be paid from the funds of the Corporation

- (a) fees for the performance of their duties at the rates prescribed in the by-laws, and
- (b) allowances in accordance with the by-laws for living and travelling expenses incurred in the course of performing their duties.

Eligibility
as director

4. (1) A person is not eligible to be appointed or to continue as a member of the Corporation if he is not a Canadian citizen ordinarily resident in Alberta or if, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, he

- (a) is engaged in a broadcasting undertaking, or
- (b) has any pecuniary interest or proprietary interest in
 - (i) a broadcasting undertaking, or
 - (ii) the production or distribution of program material suitable for use by a broadcasting undertaking, or
 - (iii) the manufacture or distribution of radio apparatus except where such distribution is incidental to the general merchandising of goods by wholesale or by retail.

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(2) Where any interest prohibited under subsection (1) vests in a director by will or succession for his own benefit, he shall, within three months thereafter, absolutely dispose of such interest and he shall not, during that period, be deemed ineligible under subsection (1).

(3) In this section "broadcasting undertaking" has the meaning given to it by the *Broadcasting Act* (Canada).

Meetings

5. (1) Meetings of the Corporation shall be held at the call of the chairman or in such other manner as may be prescribed by the by-laws but in no case shall more than four months elapse between meetings of the Corporation.

(2) Eight members constitute a quorum for meetings of the Corporation.

Powers

6. (1) The Corporation may

- (a) operate one or more broadcasting undertakings primarily devoted to the field of educational broadcasting;
- (b) subject to any directions made by the provincial authority, produce, acquire, sell, lease, distribute, exhibit or otherwise deal in programs and materials of an educational nature whether for use in broadcasting or otherwise;
- (c) enter into operating agreements with any persons (including any agency or agencies of the Government of Canada, the owners or operators of broadcasting stations or networks, or any privately owned or publicly owned carrier) for the broadcasting and distribution of educational programs;
- (d) enter into contracts with any persons (including universities, colleges or other advanced educational institutions) in connection with the production, acquisition, sale, lease, presentation, exhibition or distribution of, or other dealing in, the programs and materials of the Corporation;
- (e) acquire, prepare, publish, distribute and preserve, whether for a consideration or otherwise, any audio-visual materials, papers, periodicals and other literary matter of the Corporation;
- (f) make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions of the Corporation.

(2) The Corporation may

- (a) purchase an estate in fee simple in any land, subject to the approval of the Lieutenant Governor in Council;

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- (b) subject to clause (a), purchase and hold any estate or interest in land and sell, lease or otherwise alienate any estate or interest in land no longer required for its purposes;
 - (c) acquire any estate or interest in land by gift or devise and alienate it, subject to the terms of any trust upon which it may be held;
 - (d) make such banking arrangements as are necessary for the carrying out of its duties and functions;
 - (e) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferrable instruments;
 - (f) subject to the terms of any trust upon which it may be held, invest in such manner as the Corporation considers proper, any moneys that come into its hands and that are not then required to be expended;
 - (g) act as trustee of any moneys or property given to the Corporation by will or otherwise;
 - (h) determine the place where the head office of the Corporation shall be situated;
 - (i) appoint the auditor of the Corporation;
 - (j) perform such other functions and discharge such other duties as are assigned to it by the Lieutenant Governor in Council.
- (3) The programs and materials transmitted through a broadcasting undertaking of the Corporation are subject to supervision or assessment or both by the provincial authority.

By-laws

7. (1) The Corporation may make by-laws regulating its proceedings and generally for the conduct and management of the business and affairs of the Corporation.
- (2) No by-law of the Corporation is valid unless it is approved by the provincial authority.
- (3) *The Regulations Act* does not apply to by-laws of the Corporation.

Staff

8. (1) The Corporation may
- (a) employ such technical or professional persons and such other officers and employees as the Corporation considers necessary for the purpose of its business and affairs;
 - (b) prescribe the duties and conditions of employment of persons employed by it;
 - (c) subject to subsection (3), prescribe the rates of salary or wages of persons employed by it;

- (d) engage any person to provide to the Corporation any services of a professional nature or requiring special technical knowledge or training, upon such terms and for such remuneration as may be agreed upon.

(2) The Lieutenant Governor in Council shall appoint a person as President of the Corporation, who shall be the chief executive officer of the Corporation, and shall prescribe the remuneration payable by the Corporation to the President.

(3) The Corporation shall make by-laws

- (a) establishing job classifications for its employees and salary ranges in respect of each job classification so established;
- (b) governing the application of salary rates or ranges so established;
- (c) authorizing the payment of supplementary benefits to, or for the credit of, an employee in addition to his salary or wages.

(4) The Corporation may make by-laws respecting the remuneration or rates of remuneration to be paid to members of the Corporation, the President and its employees for travelling and living expenses incurred in the course of performing their duties.

(5) The Corporation may by by-law establish one or more pension plans for its employees and former employees and their dependants and for that purpose may

- (a) establish guarantee and pension funds;
- (b) provide for annuities or other payments by way of pension, superannuation or death benefits;
- (c) provide for the making of contributions by the Corporation to a fund referred to in clause (a).

(6) Subsection (5) does not preclude the Lieutenant Governor in Council, on the application of the Corporation, from making an order under *The Local Authorities Pension Act*, *The Public Service Pension Act* or *The Public Service Management Pension Act* for the purpose of having the Act under which the order is made apply to the Corporation and all or any of its employees.

Borrowing
powers

9. (1) The Corporation

- (a) may from time to time borrow such sums of money as the Corporation may require;
- (b) enter into overdraft arrangements with a chartered bank or treasury branch for the purpose of meeting its obligations as they become due;
- (c) give security for the repayment of any moneys borrowed by it and any interest thereon.

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(2) Without restricting the powers of the Corporation under subsection (1), the Corporation may borrow money by way of issuing notes, bonds, debentures or other securities.

(3) The Lieutenant Governor in Council may authorize the Provincial Treasurer to guarantee on behalf of the Government of Alberta the repayment of all or part of any moneys borrowed by the Corporation under this section or any interest thereon.

Government
grants
and loans

10. (1) The Government of Alberta may make grants to the Corporation from moneys appropriated by the Legislature for that purpose either with or without conditions.

(2) With the approval of the Lieutenant Governor in Council, the Provincial Treasurer may, upon the promissory note or other security of the Corporation, advance to the Corporation out of the General Revenue Fund such sums as are required from time to time for the purposes of the capital costs of the Corporation.

(3) The sums advanced under subsection (2) shall be subject to repayment upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

Fiscal
year and
audit

11. (1) The Corporation may, by a by-law approved by the Lieutenant Governor in Council, determine the fiscal year of the Corporation.

(2) In the absence of a by-law under subsection (1), the fiscal year of the Corporation begins on the 1st day of April and ends on the 31st day of March in the following year.

(3) The Corporation shall, before the 90-day period preceding each fiscal year of the Corporation, submit its budget for that fiscal year to the provincial authority for its approval.

(4) The accounts and financial transactions of the Corporation shall be audited annually by the Corporation's auditor and a report of the audit shall be made to the Corporation and the provincial authority.

Reports
by Corp.

12. (1) The Corporation shall make an annual report to the Minister of Education and the Minister of Advanced Education relating to the business and affairs of the Corporation, and thereupon one of those Ministers shall lay a copy of the report before the Assembly if it is then in session, or if not, at the next ensuing session.

(2) The Corporation may make such further reports to the Minister of Education and the Minister of Advanced Education as either of those Ministers may from time to time request.

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TransitionalTransfer
of CKUA**13. (1)** Upon the commencement of this section

- (a) the rights, property, liabilities and obligations of the Alberta Government Telephones Commission (in this section called "AGT") held or incurred in connection with or incidental to the operation of radio station CKUA become rights, property, liabilities and obligations of the Corporation;
- (b) the persons employed by AGT in connection with the operation of radio station CKUA immediately prior to the commencement of this section become employees of the Corporation at the same rates of salary and on the same terms of employment;
- (c) any reference in any certificate of title, contract, instrument or other document to AGT shall, to the extent that it relates to the rights, property, liabilities, obligations or employees mentioned in clauses (a) and (b) respectively, be deemed to be a reference to the Corporation;
- (d) any reference in any contract, instrument or other document to a specified officer of AGT shall, to the extent that it relates to the rights, property, liabilities, obligations or employees mentioned in clauses (a) and (b) respectively, shall be deemed to be a reference to the President of the Corporation unless the by-laws of the Corporation provide otherwise.

(2) Where any dispute arises under subsection (1) as to

- (a) whether any right, property, liability or obligation became the right, property, liability or obligation of the Corporation, or
- (b) whether any person became an employee of the Corporation, or
- (c) whether any reference is a reference to which subsection (1), clause (c) or (d) applies,

the matter in dispute shall be referred to the Lieutenant Governor in Council whose decision thereon is final and binding on all persons.

(3) Notwithstanding section 8, subsections (5) and (6) or any provisions of *The Alberta Government Telephones Act* or the pension scheme thereunder, any person who becomes an employee of the Corporation by virtue of subsection (1) may, before or within 30 days after the commencement of this section, elect to remain under the pension scheme of AGT, and in that event

- (a) section 8, subsections (5) and (6) do not apply to that employee, and

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(b) the Corporation shall make any employer contributions to AGT's pension scheme that AGT would otherwise have been required to make.

(4) An employee of the Corporation who makes an election under subsection (3) may at any time thereafter revoke that election and upon the effective date of the revocation, the employee becomes subject to the pension plan in effect under section 8, subsection (5) or (6), as the case may be.

Prior
agreements
with
Authority

14. (1) Where any agreement or arrangement was entered into by or on behalf of the Government of Alberta with any person before the commencement of this Act for a purpose relating to the administration or operation of the person or persons heretofore designated as the "Alberta Educational Communications Authority", the Corporation shall, upon the commencement of this Act, be deemed to replace the Government as a party to that agreement or arrangement.

(2) Where any dispute arises to whether any agreement or arrangement is one to which subsection (1) applies, the matter in dispute shall be referred to the Lieutenant Governor in Council whose decision thereon is final and binding on all persons.

Remedial
orders

15. The Lieutenant Governor in Council may make any order he considers necessary for the purpose of facilitating any transfer or other transitional matter involved in the operation of section 13 or 14 or for the purpose of remedying any hardship or difficulty arising from the operation of those sections.

Coming
into force

16. This Act comes into force on a date or dates to be fixed by Proclamation.

APPENDIX B

DIRECTION TO THE CANADIAN RADIO TELEVISION COMMISSION
ON THE RESERVATION OF CABLE CHANNELS FOR
EDUCATIONAL BROADCASTING: ORDER IN
COUNCIL PC 1970-496, MARCH 19, 1970

Direction to the CRTC on the Reservation of Cable Channels for Educational Broadcasting

[Order in Council P.C. 1970-496, March 19, 1970;
SOR/70-113, *Canada Gazette* Part II, April 4,
1970, p.381.]

DIRECTION TO THE CANADIAN RADIO-TELEVISION COMMISSION PURSUANT TO SECTION 27 OF THE BROADCASTING ACT

1. The Canadian Radio-Television Commission is hereby directed that on or after the nineteenth day of March, 1970, a licence to operate a broadcasting receiving undertaking may not be issued or renewed in respect of any such undertaking situated in a province where the provincial authority of the province has given notice in writing to the Commission that it desires that cable transmission facilities of that undertaking be reserved for the use of the provincial authority for the purpose of broadcasting, at times stipulated in the notice, the types of programming defined in Appendix A, and has satisfied the Commission that it has the present intention of using such facilities within a reasonable period of time, unless the Commission stipulates that at least one channel of the undertaking be reserved for the use of the provincial authority for that purpose.

2. In this direction "provincial authority" means a provincial authority as defined in Appendix A.

APPENDIX A

Definition for the Reservation of Educational Broadcasting Time and Facilities

Where, within its jurisdiction, the Canadian Radio-Television Commission, on the direction of the Governor in Council, stipulates that at least one channel of a cable transmission facility be set aside for the use of a provincial authority for educational broadcasting or where the Canadian Broadcasting Corporation acts as agent of Her Majesty in right of Canada in providing a transmission facility for the use of a provincial authority for educational broadcasting, the time reserved on such channel or transmission facility for the provincial authority shall be used for broadcasting the following types of programming:

1. programming designed to be presented in such a context as to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed and under circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by the provincial authority by any appropriate means;
2. programming providing information on the available courses of instruction or involving the broadcasting of special education events within the educational system.

"Provincial authority" in relation to any province means such person, body or authority as may be designated by the Lieutenant-Governor in Council of that province as the provincial authority for that province for the purposes of this definition.

The intention of the above provision is to ensure that such programming, taken as a whole, shall be designed to furnish educational opportunities and shall be distinctly different from general broadcasting available on the public or private channels.

APPENDIX C

DIRECTION TO THE CANADIAN RADIO TELEVISION COMMISSION
ON OWNERSHIP BY PROVINCES OF THEIR AGENTS:
ORDER IN COUNCIL PC 1972-1569,
JULY 13, 1972

Direction to the CRTC on Ownership by Provinces or their Agents

[Order in Council P.C. 1972-1569, July 13, 1972;
SOR/72-261, *Canada Gazette* Part II, July 26,
1972, p.1047.]

DIRECTION TO THE CANADIAN RADIO-TELEVISION COMMISSION RESPECTING INELIGIBILITY TO HOLD BROADCASTING LICENCES

1. The Canadian Radio-Television Commission is hereby directed that on and after the 13th day of July, 1972 broadcasting licences may not be issued and amendments and renewals of broadcasting licences may not be granted to applicants of the classes described in paragraph 2.

2. The classes referred to in paragraph 1 are as follows:
(a) Her Majesty in right of any province; and
(b) agents of Her Majesty in right of any province.

3. For the purposes of this Direction,

"agents of Her Majesty in right of any province" means any agent of Her Majesty in such right and includes a municipal or public body empowered to perform a function of government in a province or any corporation empowered to perform a function or duty on behalf of Her Majesty in such right, but does not include an independent corporation as defined in this paragraph;

"independent corporation" means a corporation that the Canadian Radio-Television Commission is satisfied is not directly controlled by Her Majesty in right of a province or by a municipal government and that is designated by statute or by the Lieutenant-Governor in Council of a province for the purpose of broadcasting the following types of programming, namely:

(a) programming designed to be presented in such a context as to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed and under circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by a provincial authority by any appropriate means; and

(b) programming providing information on the available courses of instruction or involving the broadcasting of special education events within the educational system,

which programming, taken as a whole, shall be designed to furnish educational opportunities and shall be distinctly different from general broadcasting available on the national broadcasting service or on privately owned broadcasting undertakings;

"provincial authority" means such person, body or authority as may be designated by the Lieutenant-Governor in Council of a province as the provincial authority for that province for the purposes of this Direction.

4. Nothing in this Direction shall be construed as limiting the power of the Governor in Council to direct that broadcasting licences may not be issued and amendments or renewals of broadcasting licences may not be granted to applicants of classes other than a class described in paragraph 2 or as limiting the power of the Canadian Radio-Television Commission, in carrying out its objects, to refuse to issue a broadcasting licence to or to grant an amendment or renewal of a broadcasting licence to an applicant of a class other than a class described in paragraph 2.

APPENDIX D

ALBERTA EDUCATIONAL COMMUNICATIONS AUTHORITY
GUIDELINES FOR THE ALBERTA EDUCATIONAL
COMMUNICATIONS AUTHORITY, 1978

GUIDELINES FOR THE
ALBERTA EDUCATIONAL COMMUNICATIONS CORPORATION
NOVEMBER 1, 1978

RECOMMENDED BY
PROGRAM POLICY ADVISORY COMMITTEE

ALBERTA EDUCATIONAL COMMUNICATIONS AUTHORITY

Guidelines For The Alberta Educational Communications Corporation

November 1, 1978

Under the provisions of the Alberta Educational Communications Corporation Act, 1973 Statutes of Alberta, Chapter 3, para 6., sub-para. 1(b), the Corporation may, "subject to any directions distribute, exhibit or otherwise deal in programs and materials of an educational nature whether for use in broadcasting or otherwise."

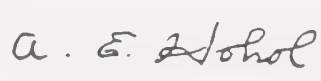
The following Guidelines For The Alberta Educational Communications Corporation recommended by the Program Policy Advisory Committee of the Alberta Educational Communications Authority, have been endorsed by the Authority in principle and intent. The Authority therefore requests the Corporation to take whatever steps may be necessary to conduct its educational programming activities in keeping with the Guidelines set forth in the document as soon as may be practical but in any case no later than 1978 11 01.

The Corporation will communicate to the Authority within six months outlining its plans to carry out the request outlined in paragraph 2 above.

In the event that the Corporation finds that it is impossible to comply with any part of the Guidelines, for whatever reasons, the Corporation will declare such reasons in writing to the Authority before 1978 11 01.

This document replaces the Program Policy Guidelines (February 1975), and the Guidelines contained herein will be deemed to take effect as of 1978 11 01.


Julian Koziak
Minister of Alberta Education


Dr. A. E. Hohol
Minister of Alberta Advanced
Education and Manpower

Edmonton, Alberta
1978 09 29

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PREFACE

The Guidelines for the Alberta Educational Communications Corporation, 1978 II 01, are intended to define the role of the Corporation within the framework of the total educational enterprise in the province of Alberta.

SECTION I

GENERAL GUIDELINES

I. ROLE OF THE CORPORATION

I.1 Principal Role

The principal role of the Alberta Educational Communications Corporation is complementary to the total educational enterprise within the province of Alberta. The Departments of Education and Advanced Education and Manpower, together with educational administrations and teachers at the local level, are charged with the responsibility for providing educational facilities and are responsible for the content of education and its method of presentation. The role of the Corporation is to provide services which support the educational enterprise.

I.2 Supplementary Role(s)

The Corporation will have other role(s) which are consistent with providing a wide range of educational services to Alberta citizens. The supplementary role(s) of the Corporation shall be mutually agreed upon by the ACCESS Board of Directors and the Authority, or any group duly appointed by the Authority. ACCESS will submit an annual report to the Authority by October 1 in each fiscal year, outlining the supplementary role(s) which the Corporation will assume in the ensuing program year.

I.3 The Corporation is responsible for providing the following services:

- (a) A programming service in various communications media;
- (b) Production facilities as these are required;
- (c) The making and acquiring of a variety of educational materials, in various communications media, which serve the educational needs and objectives of the four major educational sectors. (See paragraph 3.4.)

2. OPERATIONAL INDEPENDENCE

- 2.1 The Canadian Radio and Television Commission requires that the Corporation be independent from the provincial government in order that the provisions of Order-in-Council 1972-1569 be met. The purpose of the Guidelines for the A.E.C.C., while recognizing the need to preserve the operational independence of the Corporation, is to ensure that those decisions related to education are consistent with the objectives of agencies which have legal responsibility (or are held accountable by the public) for curriculum design, development and implementation.

3. EDUCATIONAL PROGRAMMING

- 3.1 Consistent with the provincial government's responsibility for education within the province of Alberta, the term "educational programming" in these Guidelines refers to programming which is designed to fulfill clearly stated educational objectives derived from the needs of Albertans and expressed by those who by law or by reason of their professional or technical responsibilities are recognized as being accountable to the citizens of Alberta for educational activities.

3.2 The Corporation shall devote its educational programming and distribution services to non-broadcast as well as broadcast media in order to meet:

- (a) the needs of all Albertans, rural and urban;
- (b) the reception capabilities and limitations of the clientele of the four major education sectors;
- (c) learner needs and objectives through selection of the most appropriate media format.

3.3 The Corporation's broadcast activities shall conform with the definition of programming issued by the CRTC as part of the requirements concerning the licensing of provincial broadcast undertakings. (See Appendix "A".)

3.4 The Corporation's total educational programming activities shall be directed toward meeting the objectives of the four major education sectors:

- (a) Early education
- (b) Basic education
- (c) Higher education
- (d) Further education.

For purposes of these Guidelines, the four sectors are defined as follows:

Early education - education for pre-school children and parents of pre-school children within the responsibilities of Early Childhood Services, Alberta Education.

Basic education - education for school children within the Grade I to XII range within the responsibilities of Alberta Education.

Higher education - education which is the responsibility of all formal

post-secondary institutions within Alberta including universities, colleges, technical institutes, vocational colleges.

Further education - education for those beyond school age which is the responsibility of the Further Education Branch, Advanced Education and Manpower, school systems, post-secondary institutions, departments of government and other agencies which are recognized as having responsibilities in further education.

- 3.5 So that proposals and programs reflect effectively (their) educational needs and objectives the Corporation shall engage in formal and continuing consultation with those agencies which represent the four major educational sectors, and any other representative group duly appointed by the Authority for this purpose.
- 3.6 The Corporation shall apportion the financial resources devoted to its principal programming services to the four major education sectors to conform with the following percentages:
 - (a) Early education - 20%
 - (b) Basic education - 40%
 - (c) Higher education - 15%
 - (d) Further education - 25%
- 3.7 The Corporation's programming services shall fall within one of the following three categories (Appendix "B"):
 - (a) instructional

- (b) enrichment
- (c) special purpose.

The proportion of principal programming services devoted to each of the three categories shall be determined (by each of the major educational sectors) as a part of the proposal review process.

- 3.8 The Corporation shall devote up to 30% of its programming resources to meet specific local needs.
- 3.9 The Corporation's programming is to be developed in accordance with a Program Decisions Model mutually agreed upon between the Corporation and the A.E.C.A.

SECTION II

PROGRAMMING GUIDELINES

Notwithstanding the content priorities listed for each of the major education sectors, the Authority may from time to time in consultation with the four major education sectors state additional priorities for inclusion in these Guidelines.

I. EARLY EDUCATION (Submitted by Early Childhood Services, Branch, Alberta Education)

I.1 Priorities

Four priorities have been identified:

- I.1.1 A need to provide parent information and skills to parents of young children. Programs need to examine parents' images of themselves and the roles parents play in their children's learning and development.
- I.1.2 A need to increase early childhood staff understandings of competencies related to a child development approach in working with young children. Programs need to aid staff in assessing and developing knowledge and skills for working with children, parents, and other family service agencies.
- I.1.3 A need for children's radio and television programming consistent with the language development and understandings of a young audience. Programs need to be of an instructional nature while encouraging expressive activity.

- 1.1.4 A need to provide parents of young children with general information about family health and social services. The philosophical foundations of services and procedures to acquire services need to be described.

1.2 Content Guidelines

1.2.1 Parent Development:

The content and presentation of programs about parent development should reflect the philosophy of Early Childhood Services. To accomplish this purpose, programs for parents should:

- (a.) focus on the relationship of parent and child. Programs should enable parents to acquire skills and attitudes which enhance the learning and development of their children. Individual parents in the home viewing setting should be encouraged and motivated to actively follow up programs after viewing;
- (b.) reflect the concepts embodied in the parent course of study promoted and sponsored by the Parent Resource Unit, Alberta Social Services and Community Health);
- (c.) provide information about a child's development of language and understanding and their implications in personal responsibility and personal safety;
- (d.) inter-relate topics to the broader context of Early Childhood

Services philosophy to expand parent knowledge about children. For example, the perspective used to examine water play may also include family living dynamics, children's interests, water safety, and how this play aids the child in acquiring skills;

- (e.) reflect skills necessary to work with children in a variety of settings.

1.2.2 Early Childhood Staff Training and Development:

The content and presentation of programs for early childhood staff should reflect the philosophy of Early Childhood Services and the Task Force Report on Teacher Competencies. To accomplish this purpose, programs for early childhood staff should:

- (a.) focus upon the competencies required by early childhood staff. Emphasis should be placed upon self-assessment of knowledge and skills to work with children and development of needed knowledge and skills;
- (b.) continually draw attention to learning that can best be achieved by a child in a school, in a home, or in other settings. The viewers should be encouraged to use this information to respect, strengthen, and inter-relate all environments for the benefit of children;
- (c.) model the concepts of emotional warmth, personal acceptance and differentiated staffing, and relate familiar information and skills to new or unfamiliar information and skills.

1.2.3 Children's Programming:

The content and presentation of programs for children should reflect the philosophy of Early Childhood Services. To accomplish this purpose, programs for children should:

- (a.) focus on children as active participants in the world of reality. Children should see themselves as initiators of activity as well as receivers of instruction, which enable them to undertake activities;
- (b.) portray adult host figures as warm, gentle and personally interested in a child viewer. Their interest in children should be obvious and friendly, non-threatening, non-authoritarian, and non-patronizing;
- (c.) reflect the characteristics of a child development approach by striving to present situations in which language learning and humor are at a child's level; create a climate of emotional warmth for the viewer; relate new material to what is familiar to the viewer; employ some repetition; and move at a pace that does not overwhelm or mesmerize the viewer. The viewer's imagination should be stimulated by not spelling out everything visually. The viewer should be encouraged and motivated to initiate and repeat activities after the program is completed;
- (d.) make every effort to avoid the portrayal of crime, destruction of property, or circumstances which would produce stress in the viewer.

1.2.4 Services to Children and Families:

The content and presentation of programs about services for children and families should reflect the philosophy of Early Childhood Services. To accomplish this purpose, programs about services should:

- (a.) focus upon the relationship of services to families in a manner that accurately informs families without posing a threat to their autonomy;
- (b.) describe current services available to Alberta families. Define the purpose for each service and relate this to the provincially defined philosophy, for health, social and education services. Some programs may focus upon services available primarily in the urban areas, rural areas, through government agencies, through service clubs or upon request from private practitioners. Content and format should encourage viewers to assess personal or family needs for the service portrayed and enable the viewer to confidently follow up that decision;
- (c.) provide information to viewers to enable them to contact service agencies directly. In some instances opportunities to phone in for direct discussion with program guests should be provided.

1.2.5 Specific Guidelines:

- (a.) Children's Stories: programs would follow a format of reading

and telling stories to children. This would expose children to books and stories and stimulate a further interest in reading and listening. Story selection and storytelling techniques should be modelled. It is suggested these programs be developed for radio broadcasts.

- (b.) Children's Workshop: program format would focus on construction of toys and games by children based upon ideas similar to those found in *I Saw a Purple Cow* and *Recipes for Fun* by Ann Cole, *Playbook* by Steven Caney.
- (c.) The Community Around: programs would provide an exposure to the world in which Alberta children live. Topics examined would include such things as fire hydrants and water towers, the fruit and vegetable section of grocery stores, mixed farms, train trips. Continuity from program to program would be provided by a child and adult host.
- (d.) Parent Development: programs would be complementary to the materials and presentation of the Positive Parent course.
- (e.) Early Childhood Service Staff: programs in this series will serve the dual purpose of assisting staff to assess and develop competencies while simultaneously presenting a parent audience with information about teaching skills required in child development programs. The series will draw heavily from the Early Childhood Services Task Force on Teacher Competencies. An initial program will provide an overview

to staff competence with subsequent programs focussing on a single area of competence such as ability to facilitate language development, ability to promote problem solving behaviours among children, ability to facilitate sensory motor development, and so on.

- (f.) Assistance to Local Early Childhood Services Programs: materials of a multi-media nature are needed to assist Early Childhood Services operators with planning and implementing ECS programs for children and parents. Attention would be given to language development strategies, use of facilities, and program evaluation.

Although four areas of need have been identified in the early childhood priorities statement, specific guidelines attend primarily to only three areas. The fourth area, health and social services, remains a high priority. Early Childhood Services anticipate development of proposals at a later date to meet this need. It would be desirable as well, however, for the Corporation to submit proposals for production or acquisition of programs to meet this need.

2. BASIC EDUCATION (Submitted by Audio Visual Services Branch, Alberta Education)

2.1 General Guidelines

- 2.1.1 As a long-term goal, greater priority shall be given to the

production and distribution of non-broadcast resources.

- 2.1.2 Primary and elementary grades shall be the major emphasis for broadcast programming.
- 2.1.3 Programming should reflect more emphasis on the structured development of "core" skills.
- 2.1.4 Program proposals for basic education shall be evaluated on the basis of the following criteria:
 - (a.) The need is one which is in agreement with existing Alberta Education priorities for education.
 - (b.) The need is one which has the support of a significant segment of the educational community.
 - (c.) The program topic is appropriate to (a.) and/or (b.) above, and is consistent with the provincial curriculum.
 - (d.) The proposed treatment is consistent with learner and curricular objectives.
 - (e.) The cost of production is in appropriate relation to the projected benefits.
 - (f.) The program objectives cannot be satisfied by currently available alternatives.

2.2 Content Guidelines

The instructional mode should be considered a major priority, followed by special purpose and then enrichment.

2.2.1 Need: Current Curriculum and Teaching Strategies

Program Priorities:

- consumer education
- environmental education
- career education
- language arts
- fine arts
- health (including nutrition and safety)
- technology in education (teacher in-service on use and integration of technology and resources).

2.2.2 Need: Resources about Alberta

Program Priorities:

- history
- geography
- industry
- communities
- government
- current events.

2.2.3 Need: Resources about Canada

Program Priorities:

- Canadian literature and authors
- history
- geography
- industry
- current affairs
- economics
- Canada - world relationship
- Canadian problems.

2.2.4 Need: To Accommodate Special Interest Groups

Program Priorities:

- groups with varying ability levels
e.g., use more than one sound track
- programming in language other than English
(Cree, German, Ukrainian, French, etc.)
- special programming for handicapped
e.g., deaf's use of sign language, 180 degree camera shots or
face-to-face teaching approach - blind - special sound track.

3. HIGHER EDUCATION (Submitted by Learning Systems Services, Alberta Advanced Education and Manpower)

3.1 Universities

It is recognized that specific requirements will vary between institutions and geographic locations. Individual institutions are responsible for setting their priorities in accordance with the roles listed below.

- (a) Programs to support direct teaching activities,
- (b) Programs to support research activities,
- (c) Programs to support public service activities.

Suggested programs to align with the above priorities could, for example, be in the areas of:

- (a) Public information programs,
- (b) Interdisciplinary programs,
- (c) Special subject-oriented programs,
- (d) Media transmission programs.

3.2 Institutes of Technology

The mandates of the institutes of technology have specific reference to providing instruction leading directly to careers in business, industry, government, and education. Each of these polytechnic institutes must identify its priorities within the general priorities of developing and maintaining occupational competence and personal development through on-going career-oriented education programs and continuing education courses. Some examples of the general mode of implementation are as follows:

- (a) Course content programs,
- (b) Training films - in special areas accompanied with instructional packages,
- (c) Instruction for community workers,
- (d) General information programs,
- (e) Job opportunities,
- (f) Senior citizen programs.

3.3 Community Colleges

The mandates of the public colleges have specific reference to the regions in which they are located. Each institution must identify its priorities

within the general priorities of alternate delivery of credit programs, community service projects, and communication with the people of their regions about college programs. Some examples of the general mode of implementation are as follows:

- (a) Public information programs,
- (b) Instructional program materials,
- (c) Agricultural programs,
- (d) Special interest programs - community interest,
- (e) Researching and developing media programs,
- (f) Senior citizen programs - for continuing educational interests.

3.4 Alberta Vocational Colleges

The mandates of the Alberta vocational colleges are specifically addressed to the needs of physically, socially, educationally and economically disadvantaged adult students. Each institution must identify its priorities within the general priorities of academic upgrading, pre-employment training, and life-skill education. Some examples of the general mode of implementation are as follows:

- (a) Special interest programs,
- (b) Public information programs,
- (c) Preparation of software,
- (d) English programs - for new Canadians.

4. FURTHER EDUCATION (Submitted by the Further Education Branch, Alberta Advanced Education and Manpower)

Further Education councils will provide a point of reference for the establishment of local program priorities. Provincial programming priorities are defined as below:

4.1 Need: Counselling Programs (enrichment - special purpose)

Program Priorities:

- Public career information
- Specific programs for identified groups (e.g., rural population, senior citizens, culture and ethnic groups)
- Educational and career opportunities
 - training for trades and professionals
 - opportunities for women
 - educational information in the field of education.

4.2 Need: Formal Training Programs (instruction)

Program Priorities:

- Basic life-skills education
- Community safety (e.g., bikes, cars, boats)
- Interpersonal skills (e.g., communication, group work, leadership)
- Academic programs (e.g., metric, agriculture, arts, photography, use of libraries).

4.3 Need: Informal Programs (instruction - enrichment - special purpose)

Program Priorities:

- Fine arts appreciation
- Handicapped persons
- Senior citizens (e.g., craft, living skills, general interest)
- Public affairs
- Life planning (e.g., high school, middle age, pre-retirement)
- Family life (e.g., parenting, relating to teenagers, family leisure)
- Instructor training (e.g., for local people with expertise)
- Do it yourself (e.g., small engine and appliance repair, sewing, furniture refinishing).

4.4 Need: Educational Programs Related to Various Government Services

- Culture
- Agriculture
- Public health
- Consumer affairs
- Environment
- Public safety.

GLOSSARY

1. CLASSIFICATION OF PROGRAM PROPOSALS

A program shall be classified as Early, Basic, Higher, or Further Education on the basis of the organization, institution, or agency that proposes the program. If a proposal is accepted from a group or individual with no institutional affiliation, the primary target audience shall determine the classification.

2. DEFINITIONS

For the purposes of these Guidelines, the following definitions shall apply:

- 2.1 Broadcast Programming - programming designed by intent and format for broadcast by means of television or radio.

- 2.2 Non-broadcast Programming - programming designed by intent and format for non-broadcast distribution.

- 2.3 Programming Activities - includes all activities related to the actual production-acquisition-distribution process of broadcast and non-broadcast resources.

- 2.4 Provincial Programming - broadcast and non-broadcast program designed to meet provincial needs as specified by current A.E.C.A. Guidelines.

APPENDIX "A "

Order-in-Council P.C. 1972-1569
 as published in the Canada Gazette
 Registration No. SOR/72-261
 dated 17 July 1972

DEFINITION OF PROGRAMMING FOR INDEPENDENT CORPORATIONS

"Independent Corporation' means a corporation that the Canadian Radio-Television Commission is satisfied is not directly controlled by Her Majesty in right of a province or by a municipal government and that is designated by statute or by the Lieutenant-Governor in Council of a province for the purpose of broadcasting the following types of programming, namely:

- a) programming designed to be presented in such a context as to provide a continuity of learning opportunity aimed at the acquisition or improvement of knowledge or the enlargement of understanding of members of the audience to whom such programming is directed and under circumstances such that the acquisition or improvement of such knowledge or the enlargement of such understanding is subject to supervision or assessment by the provincial authority by any appropriate means; and
- b) programming providing information on the available courses of instruction or involving the broadcasting of special educational events within the education system, which programming, taken as a whole, shall be designed to furnish educational opportunities and shall be distinctly different from general broadcasting available on the national broadcasting service or on privately owned broadcasting undertakings. "

PROGRAM

DISTINGUISHING CRITERIA

	PURPOSE	AUDIENCE	CONTENT	PROCESS
Instructional Programs	Must have specific objectives which are related to imparting information and developing attitudes and skills	Known and easily predetermined Clearly identifiable Will have definite expectations	Directly related to a course of instruction offered by educational institutions or agencies Integral part of a teaching-learning process	Carefully structured in relation to purpose and target audience Applies techniques for attainment of objectives Normally involves pre- and post-program activities
Special Programs	Designed to meet a specific need on a specific issue at a specific time	Audience will identify itself because it relates to the issue The issue will identify the audience Requires advance publicity to alert the audience	Specifically related to issue and group identified under Purpose and Audience	The process selected must be appropriate to purpose and audience i.e. it could be the process used for Instructional or Enrichment programs
Enrichment Programs	Provide educational experiences from which the viewer can expand his perceptions and understanding Intended to provide information or experiences which are not the normal content of an Instructional program	Voluntary; audience tends to identify itself Size and characteristics self-selected	Potentially limitless content Normally beyond the requirement of a course of instruction	Has broad-based objectives Not rigidly structured Should demonstrate a sensitivity toward human creative and aesthetic value

PROGRAM DECISIONS MODEL

1. RESPONSIBILITY FOR IDENTIFICATION OF EDUCATIONAL NEEDS

- citizens, parents, students, political representatives, professional educators, specialists, administrators.

2. RESPONSIBILITY FOR ESTABLISHING PRIORITIES BASED ON EDUCATIONAL NEEDS

- from major education sectors to A.E.C.A.

3. RESPONSIBILITY FOR THE PREPARATION OF PROGRAM PROPOSALS

- any source, but most likely from ACCESS staff or professional educators in either education department.

4. RESPONSIBILITY FOR REVIEWING PROGRAM PROPOSALS

- | | |
|------------|---|
| ACCESS for | - possible development |
| | - review of existing materials to avoid unnecessary duplication |
| | - commitment of resources. |

- | | |
|--------------|--|
| A.E.C.A. for | - conformity with POLICY GUIDELINES FOR PROGRAMMING
IN EDUCATIONAL COMMUNICATIONS |
| | - reference to major educational sector agencies |
| | - priority rating. |

If a program proposal is considered to be eligible for Special Project Funding, it must be referred for review via the appropriate channels.

5. RESPONSIBILITY FOR DEVELOPMENT PROGRAM PROPOSAL SPECIFICATIONS

- ACCESS
- any other agency capable of developing detailed program specifications.

6. RESPONSIBILITY FOR PRODUCTION AND DISTRIBUTION

- ACCESS makes the decisions in consultation with proposer
- A.E.C.A. to be kept informed.

7. RESPONSIBILITY FOR ASSESSING PROGRAMMING SERVICES

- four major education sectors
- ACCESS
- A.E.C.A.
- public.

APPENDIX E
THE FINANCIAL ADMINISTRATION ACT (1980)



GOVERNMENT OF THE PROVINCE OF ALBERTA

FINANCIAL ADMINISTRATION ACT

CHAPTER F-9 REVISED STATUTES OF ALBERTA 1980

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FINANCIAL ADMINISTRATION ACT

CHAPTER F-9

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1(1) In this Act,

(a) “accountable advance” means

(i) an accountable advance made pursuant to section 43(1) or (2), or

(ii) an amount advanced by the Crown pursuant to an agreement to which the Crown is a party, whether the agreement came into existence before or after the commencement of this Act;

(a.1) “appropriation” means

(i) a supply vote,

(ii) a Heritage Fund vote, or

(iii) a statutory appropriation;

(b) “Auditor General” means the Auditor General appointed under the *Auditor General Act*;

(b.1) “Crown” means the Crown in right of Alberta;

(c) “department” means

(i) a department of the public service of Alberta established by an Act of the Legislature,

(ii) a part of the public service of Alberta that is not part of a department referred to in subclause (i) and that is designated as a department by the Lieutenant Governor in Council for the purposes of this Act, or

(iii) any other part of the public service of Alberta.

but does not include

- (iv) the officers and employees of the Legislative Assembly,
- (v) the Auditor General and the staff of the Office of the Auditor General,
- (vi) the Ombudsman and the staff of the Office of the Ombudsman, and
- (vii) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer;

(c.1) "department head" means the member of the Executive Council having the administration of a department;

(d) "deputy head" means

- (i) the chief officer of a department, or
- (ii) if there is more than one chief officer of a department, the chief officer of that part of the department for which he is responsible to the department head;

(d.1) "disbursement" means

- (i) an expenditure,
- (ii) a payment from a regulated fund,
- (iii) a payment in respect of an investment of money in the General Revenue Fund made pursuant to section 50, 51 or 57,
- (iv) a payment made pursuant to section 75,
- (v) a payment from the General Revenue Fund to reduce the principal amount of any Government securities,
- (vi) a payment made by a Provincial corporation from its own funds, or
- (vii) any other payment or transfer of public money;

(e) "estimates" means spending estimates of the Crown transmitted to the Legislative Assembly;

(f) "expenditure" means

- (i) a payment authorized by a supply vote or a Heritage Fund vote,
- (ii) a reimbursement, under the authority of one supply vote, of a payment charged against another supply vote,

(iii) a reimbursement, under the authority of one part of a supply vote or Heritage Fund vote, of a payment charged against another part of the same supply vote or Heritage Fund vote,

(iv) a payment authorized by a statutory appropriation, other than a statutory appropriation authorizing a payment to a revolving fund, or

(v) a payment from a revolving fund;

(g) "fund administrator" means a person or group of persons charged with the receipt, custody or handling of money in, or payments from, a regulated fund;

(h) "Heritage Fund vote" means the authority contained in an Act referred to in section 6(2)(a) of the *Alberta Heritage Savings Trust Fund Act* and identified as a vote in the Act so referred to, to invest the amount of money in the Alberta Heritage Savings Trust Fund indicated in the vote;

(i) "money" includes negotiable instruments;

(j) "negotiable instrument" includes a cheque, draft, traveller's cheque, postal note, money order, postal remittance, bill of exchange payable on demand or any other similar instrument;

(k) "personal service contractor" means

(i) an individual whose services are engaged by the Crown, a Provincial agency or a fund administrator in consideration of the payment of a fee whether or not the contract for those services is made with that individual or another person, or

(ii) a person who contracts to provide the services of one or more individuals to the Crown, a Provincial agency or a fund administrator in consideration of the payment of a fee;

(l) "Provincial agency" means a Provincial corporation or a Provincial committee;

(m) "Provincial committee" means an unincorporated board, commission, council, or other body that is not a department or part of a department, all or a majority of whose members are appointed or designated, either by their personal names or by their names of office, by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination thereof;

(n) "Provincial corporation" means

(i) a corporation that is incorporated by or under an Act of

the Legislature, other than a local or private Act, all or a majority of whose members or directors are appointed or designated, either by their personal names or by their names of office, by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination thereof, or

(ii) a corporation all of whose issued voting shares of every class are owned by the Crown or held in trust for the Crown or are partly owned by the Crown and partly held in trust for the Crown,

but does not include a new town or a housing authority incorporated under section 39 of the *Alberta Housing Act*;

(o) "public employee" means

(i) an employee of the Crown,

(ii) a member or employee of a Provincial agency, or

(iii) a fund administrator or an employee of a fund administrator;

(p) "public money" means money

(i) owned by the Crown,

(ii) held by the Crown for the benefit of or in trust for any other person,

(iii) held by a public employee, public official, personal service contractor or revenue officer in his capacity as a public employee, public official, personal service contractor or revenue officer,

(iv) held by any person for the benefit of or in trust for the Crown, or

(v) owned or held by a Provincial agency,

but does not include money forming part of the Treasury Branches Deposits Fund except to the extent that that money represents money deposited by the Crown or a Provincial agency in the Fund;

(q) "public official" means

(i) a member of the Executive Council,

(ii) a person who holds an office at the appointment of the Lieutenant Governor in Council or a member of the Executive

Council and who receives remuneration from the Crown in respect of that office,

(iii) the Speaker of the Legislative Assembly,

(iv) the Auditor General,

(v) the Ombudsman, or

(vi) the Chief Electoral Officer;

(r) "record" includes

(i) an account, book, return, statement, report, financial document or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and

(ii) the results of the recording of details of electronic data processing systems and programs to illustrate what the systems and programs do and how they operate;

(s) "regulated fund" means a fund containing public money except public money

(i) forming part of the General Revenue Fund,

(ii) received by a revenue officer for deposit in the General Revenue Fund that has not been deposited in the General Revenue Fund,

(iii) owned or held by a Provincial agency, or

(iv) invested under the authority of a Heritage Fund vote in an investment that, when made, forms part of the Capital Projects Division of the Alberta Heritage Savings Trust Fund,

but does not include a revolving fund or the Treasury Branches Deposits Fund;

(t) "revenue officer" means a person who

(i) is engaged in or is appointed or employed for the purposes of the collection or management of or accounting for public money,

(ii) is engaged in the administration of any law under which public money is collected, managed or accounted for,

(iii) is required by law or contract to collect, manage or account for public money, or

(iv) receives, holds or is entrusted with public money.

whether or not that person was appointed or employed for that purpose,

but does not include

(v) a bank, treasury branch or trust company or an investment company as defined in the *Investment Companies Act* (Canada),

(vi) a person who is not a public employee or public official and whose relationship with his clients is regulated in a material way by or under an Act of the Parliament of Canada or a Legislature of a province of Canada or an Ordinance of a territory of Canada, or

(vii) a member, officer or employee of a bank, treasury branch, trust company, investment company or person referred to in subclause (v) or (vi);

(u) “revolving fund” means

(i) the revolving fund established under section 13(1) of the *Department of Government Services Act*,

(ii) the revolving fund established under section 14(2) of the *Department of Education Act*,

(iii) the revolving fund established under section 15 of the *Department of Housing and Public Works Act*,

(iv) the revolving fund established under section 10(1) of the *Department of Transportation Act*,

(v) the revolving fund established under section 93(1) of the *Water Resources Act*,

(vi) the revolving fund established under section 7(2) of the *Department of Recreation and Parks Act*, or

(vii) the revolving fund established under section 9(1) of the *Department of Culture Act*,

and includes a fund designated as a revolving fund by the regulations;

(v) “securities” includes bonds, debentures, shares of capital stock, rights in respect of those shares, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds;

(w) “statutory appropriation” means an amount permitted or directed to be paid from the General Revenue Fund by this or any other Act but does not include an amount paid

- (i) under the authority of a supply vote,
- (ii) pursuant to section 50, 51 or 57,
- (iii) pursuant to section 75, or
- (iv) to reduce the principal amount of any Government securities;
- (x) "supply vote" means
 - (i) the authority contained in an Act and identified as a vote in that Act to spend the amount of money in the General Revenue Fund indicated in the vote, or
 - (ii) the authority to spend the amount of money deemed to be a supply vote or part of a supply vote by virtue of section 30(3) or (4), as the case may be;
- (y) "voting share" means a share of any class of shares of a corporation carrying full or limited voting rights ordinarily exercisable at meetings of shareholders of the corporation and a share of any class of shares of a corporation carrying voting rights by reason of a contingency that has occurred and is continuing.
- (2) If any question arises
 - (a) as to which person is the deputy head of a particular department or part of a department for the purposes of this Act,
 - (b) as to whether an unincorporated board, commission, council or other body is a department or part of a department for the purposes of this Act, or
 - (c) as to which person or group of persons is the fund administrator of a particular regulated fund,

the question shall be decided by the Treasury Board.

1977 c68 s1, 1979 c7 s5, 1980 c12 s15, 1980 c20 s2

Application of Act

2(1) This Act and the regulations operate notwithstanding any other Act except the *Alberta Bill of Rights* and the *Individual's Rights Protection Act*, whether enacted before or after the commencement of this Act, unless the contrary is expressly declared in this Act or the regulations or in any other Act.

(2) The Lieutenant Governor in Council, on the recommendation of the Provincial Treasurer, may by regulation exempt a Provincial agency, fund administrator, revenue officer or ~~class of revenue officer~~ from this Act to the extent prescribed in the regulation in respect of that Provincial agency, fund administrator, revenue officer or class of revenue officer.

(3) A reference to "the whole Act" in a regulation made pursuant to subsection (2) shall be construed as excluding this section.

(4) A regulation made pursuant to subsection (2) that exempts, or adds to the exemptions applicable to, a Provincial agency, fund administrator, revenue officer or class of revenue officer may be retroactive to the extent set out in the regulation.

(5) This Act does not apply to

- (a) the board of a university under the *Universities Act*,
- (b) the board of a public college under the *Colleges Act*,
- (c) The Governors of the Banff Centre for Continuing Education,
- (d) the Alberta Heritage Foundation for Medical Research,
- (e) the board of management of a Provincial General Hospital under the *Provincial General Hospitals Act*,
- (f) the Provincial Cancer Hospitals Board, or
- (g) the University Hospitals Board under the *University of Alberta Hospitals Act*,

except that this section and section 81 apply to the corporations described in clauses (a) to (g) as if they were Provincial corporations.

(6) Notwithstanding subsection (5), on receipt of the reports referred to in

- (a) section 34(1) of the *Universities Act*,
- (b) section 18(1) of the *Colleges Act*,
- (c) section 7(1) of the *Banff Centre Act*,
- (d) section 15(1) of the *Provincial General Hospitals Act*,
- (e) section 14(1) of the *Cancer Treatment and Prevention Act*,
and
- (f) section 13 of the *University of Alberta Hospitals Act*

from the boards as defined in those Acts, the Ministers charged with the administration of those Acts shall lay a copy of the audited financial statements of the boards before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

(7) The Lieutenant Governor in Council may make regulations designating a fund containing public money as a revolving fund.

1977 c68 s2, 1979 c42 s26, 1980 c51 s15(2), 1980 c64 s2

Crown's fiscal year **3** The fiscal year of the Crown is the period commencing on April 1 in one year and ending on March 31 next following.

1977 c68 s3

PART 1

ORGANIZATION

Treasury Board

Treasury Board **4**(1) There is hereby established a board called the "Treasury Board" composed of the Provincial Treasurer, who shall be the chairman, and not fewer than 4 or more than 7 other members of the Executive Council appointed by the Lieutenant Governor in Council.

(2) The Treasury Board shall have a secretary who shall be appointed by the Board.

(3) The Treasury Board may determine its rules and methods of procedure.

1977 c68 s4

Duties of Treasury Board **5**(1) The Treasury Board may formulate general management policies relating to the business and affairs of the Crown and Provincial agencies and do any acts it considers necessary to ensure that those policies are carried out.

(2) The Lieutenant Governor in Council may, by order, amend or revoke an action of the Board done under subsection (1).

1977 c68 s5

Power to obtain information **6**(1) Every public employee, public official, personal service contractor, revenue officer, Provincial agency or agent of the Crown shall furnish to the Treasury Board any information, in the form of a record or otherwise, that the Board considers necessary in connection with the exercise or performance of its powers and duties under this or any other Act.

(2) Every person who receives information under this section from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as governed the person from whom the information was obtained.

1977 c68 s6

Regulations and directives **7** The Treasury Board may make regulations and issue directives that it considers necessary in connection with the exercise or performance of its powers and duties under this or any other Act.

1977 c69 s7

Evidence of regulations and directives **8**(1) A document purporting to be a regulation or directive of the Treasury Board and purporting to be signed by its chairman shall be

admitted in evidence as prima facie proof of the regulation or directive and that the chairman was authorized to sign it, without proof of the appointment or signature of the chairman.

(2) A document purporting to be a copy of a regulation or directive of the Treasury Board and having endorsed on it a certificate purporting to be a certificate of the secretary of the Board stating that the document is a true copy shall be admitted in evidence as prima facie proof of the regulation or directive, without proof of the appointment or signature of the secretary.

1977 c68 s8

Treasury Department

Treasury
Department

9 There shall be a department of the Government called the Treasury Department over which shall preside the member of the Executive Council appointed by the Lieutenant Governor in Council under the Great Seal as Provincial Treasurer.

1977 c68 s9

Staff

10 In accordance with the *Public Service Act* there may be appointed a Deputy Provincial Treasurer, a Controller and any other employees required for the conduct of the business of the Treasury Department.

1977 c68 s10

Department seal

11(1) The Lieutenant Governor in Council may authorize a seal for the Treasury Department which shall be known as the Seal of the Treasury Department.

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of reproduction and when so reproduced has the same force and effect as if it had been manually affixed.

1977 c68 s11

Functions of the
Treasurer

12(1) The Provincial Treasurer is responsible for the collection, management and control of the revenue of the Crown, for the management and control of all disbursements of the Crown and for all other matters relating to the financial affairs of the Crown that are not assigned by this or any other Act to any other person.

(2) The Provincial Treasurer shall maintain or cause to be maintained those financial records of the Crown that he considers advisable.

(3) The Provincial Treasurer may prescribe the form and content of the financial records of the Crown and Provincial agencies and the accounting systems of the Crown and Provincial agencies.

1977 c68 s12

Delegation of
powers by
Treasurer

13(1) The Provincial Treasurer may authorize in writing

(a) an employee of the Treasury Department,

(b) a fund administrator, with the prior approval in writing of the fund administrator, or

(c) an employee of a department other than the Treasury Department, an employee of a fund administrator or a member or employee of a Provincial agency or the board of a Provincial corporation with the approval in writing of

(i) the employee, member or board, and

(ii) in the case of an employee or member, the employee's department head or deputy head, the fund administrator by whom he is employed or the Provincial agency of which he is a member or by which he is employed, as the case may be,

to do any act or thing required or permitted to be done by the Provincial Treasurer under this or any other Act or a regulation under those Acts, except the power to make regulations and, subject to subsection (6), the power to make an authorization under this subsection.

(2) An authorization given under subsection (1) may be general or applicable to a particular case and may specify an employee, fund administrator or member by his personal name or by his name of office.

(3) An authorization under subsection (1)(b) or (c) to exercise the powers of the Provincial Treasurer under sections 17, 39(a), 74(a) and 77 shall only be made with the prior approval in writing of the Treasury Board.

(4) An act or thing done or document or instrument executed or signed pursuant to an authorization given under subsection (1) has the same effect as if the act or thing were done or the document or instrument were executed or signed by the Provincial Treasurer.

(5) A document or instrument purporting to be executed or signed by an employee, fund administrator or member shall be admitted in evidence as prima facie proof that the employee, fund administrator or member was authorized under subsection (1) to execute or sign the document or instrument.

(6) The Provincial Treasurer may authorize in writing an employee of the Treasury Department to exercise the Provincial Treasurer's powers under subsection (1) subject to any conditions prescribed by the Provincial Treasurer, and in that case subsections (2) to (5) apply to an authorization given by that employee pursuant to subsection (1) to the same extent as though that authorization had been given by the Provincial Treasurer.

1977 c68 s13;1980 c20 s3

Services of experts **14(1)** The Provincial Treasurer may from time to time engage the

services of experts or persons having special technical or other knowledge to advise him or to inquire into and report to him on matters under the Provincial Treasurer's administration.

(2) A person whose services are engaged under this section may be paid such remuneration and expenses as the Provincial Treasurer may prescribe.

1977 c68 s14

Appointment of
committees, etc

15(1) The Provincial Treasurer may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.

(2) The Provincial Treasurer may, with respect to any board, committee or council established under this section,

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chairman, vice-chairman and secretary, and
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) A board, committee or council established pursuant to this section may, subject to the approval of the Provincial Treasurer, make rules of procedure governing the calling of, and the conduct of business at, its meetings.

(4) A board, committee or council established pursuant to this section may exercise the powers and shall perform the duties and functions that the Provincial Treasurer confers or imposes on it.

1977 c68 s15

Grants

16(1) The Provincial Treasurer may make grants if

- (a) he is authorized to do so by regulations under this section, and
- (b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Provincial Treasurer to make grants;
- (b) prescribing the purposes for which grants may be made;
- (c) governing applications for grants;

- (d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;
- (e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for that grant;
- (f) prescribing the conditions on which a grant is made and requiring the repayment of it to the Crown if the conditions are not met;
- (g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (h) limiting the amount of any grant or class of grant that may be made;
- (i) authorizing the Provincial Treasurer to delegate in writing to any public employee, public official or personal service contractor any duty, power or function respecting the payment of any grant;
- (j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;
- (k) authorizing the Provincial Treasurer to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

1977 c68 s16

Power to obtain
information

17(1) Every public employee, public official, personal service contractor, revenue officer, Provincial agency or agent of the Crown shall furnish to the Provincial Treasurer any information, in the form of a record or otherwise, that the Provincial Treasurer considers necessary in connection with the exercise or performance of any of his powers and duties under this or any other Act.

(2) Every person who receives information under subsection (1) from a person whose right to disclose that information is restricted by law, holds that information under the same restrictions respecting disclosure as governed the person from whom the information was obtained.

(3) A Provincial corporation shall, on request, furnish a copy of its financial statements to the Provincial Treasurer.

1977 c68 s17

Power to station
Treasury
employees

18 In order to carry out his powers or duties more effectively, the Provincial Treasurer may station an employee of the Treasury Department in an office of a department, Provincial agency or fund administrator and that department, Provincial agency or fund ad-

ministrator shall provide any office accommodation the Provincial Treasurer considers necessary for an employee who is so stationed.

1977 c68 s18

PART 2

RECEIPT OF PUBLIC MONEY

General Revenue
Fund

19(1) There shall be one General Revenue Fund to be appropriated to the public service of Alberta into which all public money shall be paid except

(a) money over which the Legislature has no power of appropriation, and

(b) money that is otherwise specially disposed of by this or any other Act.

(2) The General Revenue Fund shall be held and administered by the Provincial Treasurer.

1977 c68 s19

Banking
arrangements

20(1) The Provincial Treasurer may establish, maintain or close accounts in the name of the Crown with any bank, treasury branch or other financial institution he designates on any terms he considers appropriate.

(2) The Provincial Treasurer may make any arrangements for the deposit of public money not forming part of a regulated fund that he considers appropriate.

(3) Subject to any directions given under section 21, a fund administrator may establish, maintain or close accounts in the name of the regulated fund that he administers with any bank, treasury branch or other financial institution on any terms he considers appropriate.

(4) Subject to any regulations or directives made under section 22, a fund administrator may make any arrangements for the deposit of money forming part of the regulated fund that he administers that he considers appropriate.

1977 c68 s20

Banking
arrangements of
Provincial
agencies, etc

21 The Provincial Treasurer may issue directives to a Provincial agency or fund administrator as to its arrangements for establishing, maintaining or closing accounts in the name of the Provincial agency or fund administrator with any bank, treasury branch or other financial institution that the Provincial Treasurer may designate.

1977 c68 s21

Regulations and
directives re duties
of revenue officers

22(1) The Provincial Treasurer may make regulations or issue directives prescribing

- (a) the manner in which public money shall be collected, managed or held by revenue officers;
 - (b) the manner in which, the times within which and the persons to whom revenue officers shall pay over public money;
 - (c) the manner in which, the times within which, the periods for which and the persons to whom revenue officers shall account for all public money held, collected or managed by them;
 - (d) the records concerning public money that shall be maintained by revenue officers;
 - (e) the records concerning public money that revenue officers shall submit and the times within which and the persons to whom they shall be submitted.
- (2) A time prescribed pursuant to subsection (1)(b) or (c) shall not be less frequently than annually.
- (3) Every revenue officer shall comply with any regulations or directives made or issued under subsection (1).

1977 c68 s22

Examination and
seizure of records.

23(1) Records prepared or kept by a revenue officer or an agent or employee of a revenue officer in his capacity as a revenue officer or agent or employee of a revenue officer, whether or not those records are in the possession of the revenue officer, agent or employee or are in the possession of another person shall be open to inspection at all reasonable times by the Provincial Treasurer or a person authorized by the Provincial Treasurer.

(2) The Provincial Treasurer may apply ex parte to the Court of Queen's Bench for an order that the Provincial Treasurer or a person authorized by the Provincial Treasurer may, for any purpose related to the administration of this Act,

- (a) enter at all reasonable times into any place where a business of the revenue officer specified in the application or an agent or employee of that revenue officer is carried on,
- (b) examine or seize and take away a record that is part of the records of the revenue officer prepared or kept pursuant to this Act,
- (c) examine or seize and take away a record that, in the opinion of the Provincial Treasurer or person authorized by the Provincial Treasurer, will assist him in determining the accuracy of the records that are prepared or kept by the revenue officer, and
- (d) require a person at the place to give the Provincial Treasurer or person authorized by the Provincial Treasurer all reasonable assistance in carrying out his powers under clauses (b) and (c),

and the Court may, on being satisfied that an order is necessary for the proper administration of this Act, make an order it considers appropriate.

(3) The Provincial Treasurer or any person authorized by the Provincial Treasurer may make copies of records seized under subsection (2) and may, in lieu of returning the original of a record, provide the revenue officer or his agent or employee with a copy of the record.

1977 c69 s23; 1978 c51 s29

Recovery of
money when
revenue officer
dies, etc

24 When a revenue officer dies, ceases to be a revenue officer or is for any reason unable to act as a revenue officer, the revenue officer, former revenue officer, personal representative of the revenue officer or any person who comes into possession of public money as a result of a revenue officer dying or ceasing to be, or being unable to act as, a revenue officer shall forthwith pay any balance of public money held by him

(a) in the case of public money held on behalf of a Provincial agency, to the Provincial agency or person designated by the Provincial agency, or

(b) in any other case, to the Provincial Treasurer or person designated by the Provincial Treasurer.

1977 c68 s24

Record of public
money received

25 The Provincial Treasurer shall keep a record of all public money received by him and shall give receipts for it on request.

1977 c68 s25

Remission of
royalties, taxes,
etc

26(1) If the Lieutenant Governor in Council considers it in the public interest to do so, or considers it advisable to do so in a case or class of cases where injustice or great hardship to a person has resulted or is likely to result, he may order the remission of

(a) any royalty or any tax, fee or other sum, paid or payable to the Crown and imposed or authorized under an Act of the Legislature,

(b) any pecuniary penalty, fine or forfeiture imposed under a law in force in Alberta, notwithstanding that the whole or part of it is payable to the informer, prosecutor or another person, or

(c) any debt paid or payable to the Crown or a Provincial agency.

(2) A remission pursuant to subsection (1) may be authorized by a regulation or by a special order in a particular case and may be total or partial and unconditional or conditional, and the remission of a royalty or a tax, fee or other sum referred to in subsection (1)(a) may be ordered before or after liability for the royalty or the tax, fee or other sum arises.

(3) If the order for remission is conditional and that condition is not

performed with respect to a remission, the order becomes void with respect to that remission and all proceedings may be had and taken as if the order had not been made.

(4) Subsection (1) does not apply with respect to a pecuniary penalty, fine or forfeiture

(a) imposed by or under the *Legislative Assembly Act*, the *Election Act* or the *Election Finances and Contributions Disclosure Act*, or

(b) recoverable in respect of an offence committed in connection with the election of a member of the Legislative Assembly.

1977 c68 s26, 1980 c20 s4

Compromise or
write-off of debts

27(1) No debt owing to the Crown or to a Provincial agency shall be compromised or written off except pursuant to this section.

(2) If it appears to the Treasury Board that any debt owing to the Crown or to a Provincial agency is only partially recoverable or is not recoverable, the Board may direct the compromise of the debt or the writing-off of all or part of the debt as it considers equitable.

(3) The Treasury Board may make regulations or issue directives

(a) delegating its powers under subsection (2) to any public employee, public official or personal service contractor,

(b) controlling or limiting the exercise of the powers so delegated, and

(c) prescribing the conditions for the collection, partial collection or write-off of debts owing to the Crown or a Provincial agency.

1977 c68 s27

Statement of
remissions and
write-offs

28 The Provincial Treasurer shall prepare a statement of all remissions, compromises and write-offs made or approved under sections 26 and 27 during any fiscal year.

1977 c68 s28

PART 3

SUPPLY VOTES

Estimates

29(1) Estimates shall contain

(a) the proposed supply votes that are to be voted on by the Legislative Assembly,

(b) the amounts permitted or required to be paid out of the General Revenue Fund pursuant to this or any other Act that are not required to be voted on by the Legislative Assembly, and

(c) any other information that the Provincial Treasurer considers appropriate.

(2) Estimates shall be prepared by the Provincial Treasurer.

1977 c68 s29

Special warrants

30(1) When at any time the Legislative Assembly is not in session the Provincial Treasurer

(a) reports that the Minister having charge of any matter has certified that, in the public interest, an expenditure of public money is urgently required with respect to that matter, and

(b) reports either that

(i) there is no supply vote under which an expenditure with respect to that matter may be made, or

(ii) there is a supply vote under which an expenditure with respect to that matter may be made but the authority available under the supply vote is insufficient,

the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by himself authorizing the expenditure of the amount of money estimated to be required.

(2) For the purposes of subsection (1), if the Legislative Assembly is adjourned for a period of more than 14 days, the Assembly shall be deemed not to be in session during the period of the adjournment.

(3) When a special warrant is prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(i), the authority to spend the amount of money specified in the special warrant for the purpose specified in the special warrant is deemed to be a supply vote for the purposes of this Act.

(4) When a special warrant has been prepared and signed under subsection (1) on the basis of a report referred to in subsection (1)(b)(ii), the authority to spend the amount of money specified in the special warrant is, for the purposes of this Act, added to and deemed to be part of the supply vote to which the report relates.

(5) When a special warrant has been prepared and signed pursuant to this section, the amounts authorized by it are deemed to be included in, and not to be in addition to, the amounts authorized by the Act, not being an Act for interim supply, enacted next after the signing of the warrant for granting to Her Majesty sums of money to defray certain expenditures of the Public Service of Alberta.

1977 c68 s30

Treasury Board
regulations or
directives

31 The Treasury Board may make regulations or issue directives establishing controls and limitations respecting the making of expenditures.

1977 c68 s31

Annual lapse of
supply votes and
regulated funds

32(1) After the end of a fiscal year

(a) no expenditure shall be made under the authority of a supply vote or a Heritage Fund vote for that fiscal year, and

(b) no disbursement shall be made from that part of a regulated fund made up of payments under the authority of a supply vote for that fiscal year,

except pursuant to subsection (4), and the authority to make expenditures or disbursements from the balance of the supply vote or the Heritage Fund vote or the balance of that part of the regulated fund made up of payments under the authority of a supply vote, not charged with a liability pursuant to subsection (4), lapses.

(2) The deputy head of a department or a fund administrator shall, within a period after the end of a fiscal year as set by the Treasury Board, record and submit to the Provincial Treasurer, in the form and manner prescribed by the Provincial Treasurer, a record of all liabilities relating, for that fiscal year,

(a) to a supply vote or a Heritage Fund vote under the administration of the department head of the department of which he is deputy head, or

(b) to that part of a regulated fund of which he is fund administrator, made up of payments under the authority of a supply vote.

(3) The Provincial Treasurer shall, within a period after the end of the fiscal year as set by the Treasury Board, record any liabilities relating, for that fiscal year, to a supply vote or a Heritage Fund vote or to a regulated fund made up of payments under the authority of a supply vote.

(4) Liabilities recorded pursuant to subsection (3) shall be paid and charged against a supply vote or a Heritage Fund vote or regulated fund to the extent of the authority available for that fiscal year

(a) to make disbursements from the supply vote or a Heritage Fund vote, or

(b) to make disbursements from that part of the regulated fund made up of payments under the authority of a supply vote.

and, if the authority available is insufficient, may be paid and charged against a supply vote or a Heritage Fund vote or that part of a regulated fund made up of payments under the authority of a supply vote, as the case may be, for the following fiscal year.

(5) Any liability charged under subsection (4) against a supply vote or a Heritage Fund vote or regulated fund for a following fiscal year

shall be reported in the public accounts for the fiscal year in which the liability was incurred.

(6) The Provincial Treasurer may make regulations or issue directives prescribing the form and manner in which liabilities are to be recorded and submitted under subsection (2).

(7) For the purposes of this section, the Provincial Treasurer may determine what constitutes a liability and, in respect of a regulated fund, what part of that regulated fund is made up of payments under the authority of a supply vote, and his determination is conclusive.

1977 c68 s32, 1980 c20 s5

PART 4

DISBURSEMENT OF PUBLIC MONEY

Definitions

33(1) In this Part,

(a) “accounting officer” means a public employee, public official or personal service contractor designated as an accounting officer pursuant to section 35;

(b) “department” includes

(i) the officers and employees of the Legislative Assembly,

(ii) the Auditor General and the staff of the Office of the Auditor General,

(iii) the Ombudsman and the staff of the Office of the Ombudsman, and

(iv) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer;

(c) “department head” includes

(i) the Speaker or, in the event of the absence or inability to act of the Speaker or if there is no Speaker, the Deputy Speaker, with respect to

(A) the officers and employees of the Legislative Assembly, and

(B) the Chief Electoral Officer and the staff of the Office of the Chief Electoral Officer,

and

(ii) the Chairman of the Select Standing Committee on Legislative Offices or, in the event of the absence or inability to act of the Chairman or if there is no Chairman, the Deputy Chairman, with respect to

(A) the Auditor General and the staff of the Office of the Auditor General, and

(B) the Ombudsman and the staff of the Office of the Ombudsman;

(d) “deputy head” includes

(i) the Clerk of the Legislative Assembly with respect to the officers and employees of the Legislative Assembly,

(ii) the Auditor General with respect to the Office of the Auditor General,

(iii) the Ombudsman with respect to the Office of the Ombudsman, and

(iv) the Chief Electoral Officer with respect to the Office of the Chief Electoral Officer;

(e) “expenditure officer” means a public employee, public official or personal service contractor designated as an expenditure officer pursuant to section 35.

(2) For the purposes of this Act, a person who holds the office of Chairman or Deputy Chairman of the Select Standing Committee on Legislative Offices at the time of a dissolution of the Legislature is deemed to continue to hold the office of Chairman or Deputy Chairman until the day preceding the date fixed by Proclamation for the next sitting of the Legislature to begin.

1977 c68 s33;1978 c29 s14;1980 c61 s193

Arrangements re
transfer of money

34 The Provincial Treasurer may make arrangements with a bank, treasury branch or other financial institution for the transfer of money for the purpose of making disbursements.

1977 c68 s34

Designation of
accounting and
expenditure
officers

35(1) Subject to subsection (6), the deputy head of each department

(a) with the approval of the Treasury Board,

(i) shall designate one or more public employees, public officials or personal service contractors of the department,

(ii) may, with the approval of the deputy head of another department, designate one or more public employees, public officials or personal service contractors of that other department, and

(iii) may, with the approval of a Provincial agency, designate one or more members, officers or employees of the Provincial agency,

as accounting officers for the department, and

(b) shall designate one or more public employees, public officials or personal service contractors as expenditure officers for the department.

(2) Subject to subsection (6), each fund administrator shall designate

(a) with the approval of the Treasury Board, one or more public employees, public officials or personal service contractors to be accounting officers, and

(b) one or more public employees, public officials or personal service contractors to be expenditure officers,

for the regulated fund that he administers.

(3) Subject to subsection (6), each Provincial agency shall designate

(a) with the approval of the Treasury Board, one or more members, officers or employees of the Provincial agency to be accounting officers, and

(b) one or more members, officers or employees of the Provincial agency to be expenditure officers,

for the Provincial agency.

(4) A deputy head, fund administrator, member of a fund administrator or member of a Provincial agency may be designated as an accounting officer or an expenditure officer or both but shall not act as both the accounting officer and the expenditure officer with respect to the same transaction.

(5) A public employee, public official or personal service contractor who is not designated under subsection (4) may, with the approval of the Treasury Board, be designated as both an accounting officer and an expenditure officer but he shall not act as both the accounting officer and the expenditure officer with respect to the same transaction.

(6) Except as provided in subsections (4) and (5), no person shall be designated as an accounting officer or an expenditure officer if, as a result of that designation, he becomes both an accounting officer and an expenditure officer.

(7) A corporation shall not be designated as an accounting officer or an expenditure officer.

(8) The Treasury Board may suspend or terminate the designation of any person as an accounting officer or an expenditure officer.

1977 c68 s35, 1980 c20 s6

Treasurer's powers
re contracts, etc

36(1) The Provincial Treasurer may make regulations or issue directives

(a) respecting the manner in which a contract, agreement or undertaking may be entered into under which an obligation to make a disbursement will or may arise;

(b) respecting the information, in the form of a record or otherwise, that is to be submitted to the Provincial Treasurer or person designated by the Provincial Treasurer when or before a contract, agreement or undertaking referred to in clause (a) is entered into, and the times at or within which and the form in which that information is to be submitted;

(c) respecting the authorizations that must be given before a contract, agreement or undertaking referred to in clause (a) may be entered into;

(d) defining what constitutes a commitment, encumbrance or charge;

(e) respecting the manner in which and the times at which the appropriation or account from or pursuant to which a disbursement under a contract, agreement or undertaking referred to in clause (a) is or may be made is to be committed, encumbered or charged with the proposed disbursement;

(f) respecting the entering into of a contract, agreement or undertaking under which a disbursement will or may arise, if the appropriation or account from which the proposed disbursement is to be made is fully or partially committed, encumbered or charged;

(g) respecting the manner in which and the times at which a commitment, encumbrance or charge against an appropriation or account may be altered or cancelled;

(h) designating the persons authorized to sign for disbursements and respecting the manner in which disbursements are to be made;

(i) respecting the powers and duties of accounting officers and expenditure officers.

(2) For the purposes of regulations or directives under subsection (1), the Provincial Treasurer may classify contracts, agreements or undertakings

(a) by the amount that is or may be involved in the contract, agreement or undertaking,

(b) by the purposes for which the disbursement under the contract, agreement or undertaking is or may be made,

(c) by the form or type of the contract, agreement or undertaking.

(d) by the time at which the contract, agreement or undertaking is entered into, or

(e) by any other means that he considers appropriate,

and he may make or issue different regulations or directives for different classes of contracts, agreements or undertakings.

1977 c68 s36.1980 c20 s7

Certification by
accounting officer

37(1) No request for an expenditure shall be made without the certification of an accounting officer for the department whose department head has the administration of the appropriation against which the proposed expenditure is to be charged or pursuant to which it is to be made or the administration of the revolving fund from which the proposed expenditure is to be made, that

(a) the proposed expenditure was authorized by an expenditure officer for the department,

(b) an expenditure officer for the department has certified that

(i) if there is a written contract relating to the proposed expenditure, it is in accordance with the contract and, if the amount of the proposed expenditure is not specified in the contract, the amount is fair and just, or

(ii) if there is no written contract relating to the proposed expenditure, the amount of the proposed expenditure is fair and just,

(c) the proposed expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,

(d) in the case of a proposed expenditure for goods supplied or services rendered, a person authorized by the deputy head of the department to certify that the goods or services were received has so certified, and

(e) the amount of the proposed expenditure is accurate.

(2) No request for a disbursement that is not an expenditure shall be made without the certification of an accounting officer for the department, regulated fund or Provincial agency under which is administered the money from which the proposed disbursement is to be made, that

(a) the proposed disbursement was authorized by an expenditure officer for the department, regulated fund or Provincial agency,

(b) an expenditure officer for the department, regulated fund or Provincial agency has certified that

- (i) if there is a written contract relating to the proposed disbursement, it is in accordance with the contract and, if the amount of the proposed disbursement is not specified in the contract, the amount is fair and just, or
- (ii) if there is no written contract relating to the proposed disbursement, the amount of the proposed disbursement is fair and just,
- (c) the proposed disbursement is consistent with the purpose for which the money is available,
- (d) in the case of a proposed disbursement for goods supplied or services rendered, a person authorized by the fund administrator, Provincial agency or deputy head of the department to certify that the goods or services were received has so certified, and
- (e) the amount of the proposed disbursement is accurate.

1977 c68 s37

Copies of contracts
to Treasurer

38(1) Subject to subsection (2), when a person enters into a contract on behalf of the Crown or executes a contract for or on behalf of the Crown under which a disbursement is or may be required, that person shall promptly deliver to the Provincial Treasurer a true copy of it or particulars of it if the contract is not in writing.

(2) The Treasury Board may exempt a contract or class of contracts from the operation of subsection (1).

1977 c68 s38, 1980 c20 s8

Disbursement
control

39 Except as otherwise provided in this Act, the Provincial Treasurer shall ensure that no disbursement is made unless

- (a) in the case of a proposed expenditure to be charged against or made pursuant to an appropriation or to be made from a revolving fund, he is satisfied that
 - (i) in the case of a proposed expenditure to be charged against a supply vote or Heritage Fund vote, there is authority available under the supply vote or Heritage Fund vote for the purpose of making the proposed expenditure,
 - (ii) in the case of a proposed expenditure to be made from a revolving fund, there is money available in the revolving fund for the purpose of making the proposed expenditure,
 - (iii) the proposed expenditure does not exceed any maximum limit prescribed by law,
 - (iv) he has received the certificate of an accounting officer made pursuant to section 37(1) relating to the proposed expenditure,

(v) the proposed expenditure is for a purpose authorized by the applicable appropriation or for a purpose for which the revolving fund was established,

(vi) in the case of a proposed expenditure to be made pursuant to a contract, it is not contrary to the contract, and

(vii) the proposed expenditure would not, if made, contravene this or any other Act or a regulation, directive or order made pursuant to this or any other Act;

(b) in the case of a proposed disbursement that is not an expenditure, he is satisfied that

(i) there is money available for the purpose of making the proposed disbursement,

(ii) he has received the certificate of an accounting officer made pursuant to section 37(2) relating to the proposed disbursement,

(iii) in the case of a proposed disbursement to be made pursuant to a contract, it is not contrary to the provisions of the contract,

(iv) in the case of a proposed disbursement to be made from a regulated fund, it is not contrary to any instrument that created the fund or that governs disbursements from the fund, and

(v) the proposed disbursement would not, if made, contravene this or any other Act or a regulation, directive or order made pursuant to this or any other Act.

1977 c68 s39

Settlement of
differences

40 If a difference of opinion arises between the Provincial Treasurer and a department head, fund administrator or Provincial agency respecting the appropriation or account to which a disbursement should be charged, the matter shall be referred to the Treasury Board which shall decide the matter.

1977 c68 s40

Review of refusal
to make
disbursement

41 If the Provincial Treasurer refuses to make a disbursement, the Treasury Board, on a report of the case prepared by the Provincial Treasurer or by the department head, fund administrator or Provincial agency requesting that the disbursement be made, shall review the matter and make any order it considers appropriate.

1977 c68 s41

Annual statement
re special warrants

42 The Provincial Treasurer shall prepare for each fiscal year a statement of all special warrants issued during that fiscal year and the payments made from the authority provided by each of those warrants.

Accountable
advances

43(1) The Provincial Treasurer may make accountable advances from the General Revenue Fund

(a) to an account administered by a department head or to a fund administrator

(i) for the purpose of refunding money

(A) that has been deposited, or

(B) that is required to be deposited,

in the General Revenue Fund, or

(ii) for any other purpose permitted by the Treasury Board,

or

(b) to any public employee, public official, personal service contractor or other person temporarily or otherwise employed or engaged on the public business for the purpose of paying travelling and other necessary expenses, but no accountable advance shall be made under this clause otherwise than in accordance with regulations made by the Treasury Board.

(2) A fund administrator may make accountable advances from the regulated fund that he administers

(a) to any public employee, public official, personal service contractor or other person temporarily or otherwise engaged in the public business for the purpose of paying travelling and other necessary expenses, or

(b) for any other purpose approved by the Treasury Board,

but no accountable advance shall be made under this subsection otherwise than in accordance with regulations made by the Treasury Board.

(3) Sections 37 and 39 do not apply to disbursements made from an accountable advance made pursuant to subsection (1)(b) or (2)(a).

(4) The deputy head of the department, the fund administrator or any person authorized by the deputy head or fund administrator shall perform the function of the Provincial Treasurer under section 39(b) in relation to any disbursement made from an accountable advance made under subsection (1)(a).

(5) A fund administrator or the deputy head of a department whose department head administers an account that receives an accountable advance and any other recipient of an accountable advance from the General Revenue Fund shall account for it at the times and in the manner the Provincial Treasurer directs, and on a demand by the

Provincial Treasurer shall repay any part of the advance not accounted for to the Provincial Treasurer's satisfaction.

(6) The recipient of an accountable advance from a regulated fund shall account for it at the times and in the manner the fund administrator directs, and on demand by the fund administrator shall repay any part of the advance not accounted for to the fund administrator's satisfaction.

1977 c68 s43

Advances to
Alberta Heritage
Savings Trust Fund

44 On the direction of the Treasury Board, the Provincial Treasurer shall advance money from the General Revenue Fund to the Alberta Heritage Savings Trust Fund in the amounts specified in the direction on any terms and conditions the Treasury Board may impose.

1977 c68 s44

Interest on
advances and
unremitted
earnings

45(1) Every Provincial corporation, fund administrator and revolving fund shall pay interest to the Provincial Treasurer or a fund administrator on any advance to the Provincial corporation, fund administrator or revolving fund from the General Revenue Fund or the regulated fund administered by the fund administrator, as the case may be, at the rate or rates fixed by the Treasury Board.

(2) A Provincial corporation or revolving fund shall, on demand, remit to the Provincial Treasurer all or any part of its net earnings and retained earnings as specified by the Provincial Treasurer.

(3) Every Provincial corporation and revolving fund shall pay interest to the Provincial Treasurer on the net earnings and retained earnings of the Provincial corporation or revolving fund not remitted to the Provincial Treasurer pursuant to subsection (2) at the rate or rates fixed by the Treasury Board.

(4) For the purpose of subsections (2) and (3), the Treasury Board may determine the net earnings and retained earnings of a Provincial corporation or a revolving fund.

(5) Interest payable under subsection (3) shall be computed from the end of the fiscal year in which the earnings were earned.

(6) Notwithstanding subsections (1) and (3), the Treasury Board may exempt a Provincial corporation, fund administrator or revolving fund from the payment of all or any part of the interest payable under this section.

1977 c68 s45.1980 c20 s9

Payment of rebate,
refund or
commission

46(1) Every rebate or refund of revenues payable from public money under any Act shall be paid out of the General Revenue Fund and shall be shown as a deduction from those revenues in the accounts of the Crown.

(2) Every commission payable from public money under any Act for which no authority for payment exists under a supply vote shall

be paid out of the General Revenue Fund.

1977 c68 s46

Interest on
accounts due

47 The Treasury Board may direct the payment of interest on accounts due to suppliers of goods or services to the Crown on any terms and conditions that it determines.

1980 c64 s3

PART 5

INVESTMENTS

Definitions

48 In this Part,

(a) “depositor” means a person who is designated as a depositor of the Investment Fund by a regulation made under section 52(2) but does not include a person who is deemed not to be a depositor pursuant to section 52(5);

(b) “designated fund” means

(i) a fund or account that is held or maintained by a depositor and that is described or specified by name in a regulation made under section 52(2), or

(ii) the money or investments of a depositor that are described or specified by name in a regulation made under section 52(2),

but does not include a fund, account, money or investments deemed not to be a designated fund pursuant to section 52(5);

(c) “Investment Fund” means the Consolidated Cash Investment Trust Fund.

1977 c68 s47

Trusts not to be
affected

49(1) This Part does not apply to, and no regulations shall be made under section 52(2) so as to affect, any fund, account, money or investments held by a depositor in trust

(a) if there is an express trust or direction, whether in an Act or otherwise, for the investment of the money or funds so held in trust, or

(b) if the trust would, except for section 53, be breached if any of the money or funds were transferred to the Investment Fund.

(2) A reference to a fund or account that is a designated fund shall be read as referring to the money in that fund or account and an investment made from money in that fund or account.

1977 c68 s48

Investment of
money in General
Revenue Fund

50(1) The Provincial Treasurer may invest money in the General Revenue Fund in any or all of the following:

- (a) securities of a Provincial corporation;
- (b) securities of a city, town, village, municipal district, county, drainage district or hospital district in Alberta or of the board of trustees of a school district or school division in Alberta;
- (c) certificates of deposit, deposit receipts or other evidence of indebtedness given by a bank or treasury branch in consideration of a deposit or deposits made with the bank or treasury branch;
- (d) securities unconditionally guaranteed by a bank as to repayment of principal and interest;
- (e) investment certificates as defined in the *Trust Companies Act* issued or entered into by a trust company registered under that Act;
- (f) securities of the Alberta Energy Company;
- (g) securities of the Export Development Corporation under the *Export Development Act* (Canada);
- (h) an investment within the classes of investments enumerated in section 63(1) of the *Canadian and British Insurance Companies Act* (Canada);
- (i) securities of a loan company designated as a mortgage investment company under the *Loan Companies Act* (Canada);
- (j) the bonds, debentures or other evidences of indebtedness of or guaranteed as to the repayment of principal and interest by the government of a country other than Canada;
- (k) units or shares of
 - (i) a real estate investment trust,
 - (ii) a mutual or pooled fund, or
 - (iii) a corporation that does not issue debt obligations and holds at least 98% of its assets in cash, investments and loans, and obtains at least 98% of its income from those investments and loans

if the investments or loans that may be made on behalf of the trust, fund or corporation are of those classes of investments authorized under clauses (a) to (j).

(2) The Provincial Treasurer may hold and dispose of securities forming part of the General Revenue Fund that are acquired otherwise than pursuant to subsection (1) and that are not, at the time of their acquisition by the General Revenue Fund, within any of the classes of investments or securities enumerated in subsection (1).

(3) The Provincial Treasurer may purchase and sell foreign currency for the purposes of making or disposing of investments referred to in this section and section 56 and he may purchase or sell that currency on a current or future delivery basis.

(4) In addition to the power of investment under subsection (1), the Provincial Treasurer may, pursuant to section 6 of the *Treasury Branches Act*, invest or lend money deposited by the Crown in the Treasury Branches Deposits Fund.

RSA 1970 c115 s50(5), 1977 c68 s49, 1980 c20 s10

Agreement re
mortgage
acquisition and
management

51 The Provincial Treasurer may enter into an agreement with a person under which that person provides services to the Provincial Treasurer for or in connection with

(a) the acquisition, in the name of that person, of mortgages authorized under this Act or the *Alberta Heritage Savings Trust Fund Act*, on behalf of the Provincial Treasurer,

(b) the administration, management, renewal, substitution and disposition of those mortgages, and

(c) the doing of any act relating to the recovery of money payable under those mortgages.

1977 c68 s50, 1980 c20 s11

Consolidated Cash
Investment Trust
Fund

52(1) The Provincial Treasurer shall establish and maintain a fund called the "Consolidated Cash Investment Trust Fund" of which he shall be the trustee.

(2) Subject to subsection (3), the Lieutenant Governor in Council, on the recommendation of the Provincial Treasurer, may by regulation

(a) designate a person as a depositor, and specify the fund, account, money or investments (whether held in trust or otherwise) that is the designated fund of that depositor;

(b) specify the terms and conditions under which a person or a class of persons may become or may continue to be a depositor;

(c) with respect to a depositor, alter or replace the description of, add to or remove any of the designated funds of that depositor;

(d) remove a depositor and the designated funds of that depositor from the Investment Fund.

(3) A regulation made under subsection (2) shall not

(a) designate as a depositor a person other than a Provincial agency or Minister of the Crown, or

(b) change the designated funds of a depositor other than a Provincial agency or Minister of the Crown,

without the prior consent of that person or depositor.

(4) If a person other than a Provincial agency or Minister of the Crown is designated as a depositor pursuant to subsection (2), that person may give notice in writing to the Provincial Treasurer to

(a) remove that person as a depositor of the Investment Fund, or

(b) remove a designated fund of that person specified in the notice from the Investment Fund.

(5) At the expiration of 30 days from the receipt by the Provincial Treasurer of a notice under subsection (4) or at an earlier time that may be specified by the Provincial Treasurer, the person or the fund, account, money or investments specified in the notice is deemed not to be a depositor or designated fund, as the case may be, and the Lieutenant Governor in Council shall amend the regulations made under subsection (2) accordingly.

1977 c68 s51.1980 c20 s12

Transfers to
Investment Fund

53 The Provincial Treasurer shall transfer to the Investment Fund money in a designated fund that is not required to be paid for any purpose.

1977 c68 s52.1980 c20 s13

Investment of
Investment Fund
money

54 The Provincial Treasurer shall invest money in the Investment Fund in any of the classes of investments or securities enumerated in section 50(1).

1977 c68 s54

Investment of
sinking fund
money

55 Subject to an order of the Lieutenant Governor in Council under section 69, money in a sinking fund created for the repayment of a loan or Government security may be invested in any of the classes of investments or securities enumerated in section 50(1).

1977 c68 s55

Disposing of
investments

56 The Provincial Treasurer may dispose of securities acquired or held under this Part.

1977 c68 s56

Short-term loans

57(1) In addition to the powers of investment under sections 50 and 54, the Provincial Treasurer may make loans from the General Revenue Fund or the Investment Fund

(a) repayable on demand or within a term not exceeding 30 days on the security of the pledge of investments or securities of any of the classes enumerated in section 50(1) owned by the borrower and having a market value at least equal to the amount loaned, or

(b) on the security of real estate or leaseholds for a term of years or other estate or interest in real estate in Canada to the extent set out in section 63(2)(b) and (c) of the *Canadian and British Insurance Companies Act* (Canada).

(2) A loan under subsection (1)(a) may only be made to

(a) the Government of Canada or the government of a province of Canada,

(b) a municipal corporation in Canada,

(c) a bank or trust company, or

(d) a person whose principal business consists of the underwriting, distribution or buying and selling from and to the public in Canada of any of the classes of investments or securities enumerated in section 50(1).

1977 c68 s57, 1980 c20 s15

Administration of
Investment Fund

58(1) Money paid into the Investment Fund, including earnings, shall be credited forthwith to the Investment Fund in one or more accounts in a bank, treasury branch or other financial institution, and that money shall be used only in accordance with this Part.

(2) No money shall be credited to an account referred to in subsection (1) other than money received by the Investment Fund pursuant to this Part.

(3) Dividends, interest, proceeds of the sale of securities and other receipts and brokerage fees, taxes, costs of purchasing or disposing of securities and other payments from the Investment Fund shall be paid into, paid out of or chargeable against, the account or accounts kept under subsection (1), and the net profit or loss, except as provided by regulations made or directives issued by the Treasury Board, shall be allocated to the designated funds in proportion to the net contributions of the respective depositors in relation to their designated funds in the Investment Fund.

(4) The Provincial Treasurer shall keep proper books and accounts for the Investment Fund, including a separate account for each fund or class of funds contributed by each depositor and showing the depositor's participation in the Investment Fund, including all deposits, all withdrawals and the net profits or losses allocated under subsection (3).

(5) As soon as possible after the end of each month, the Provincial Treasurer shall give each depositor a true statement of his account in the Investment Fund.

1977 c68 s58

Retransfer to
depositor

59(1) The Provincial Treasurer shall transfer from the Investment Fund to a designated fund of the Provincial Treasurer, to the extent of the participation of the designated fund in the Investment Fund,

money that is then required by the Provincial Treasurer for the purpose of making a disbursement from the designated fund.

(2) On being directed by a depositor to do so, the Provincial Treasurer shall transfer from the Investment Fund to the depositor's designated fund specified in the direction, to the extent of the participation of the designated fund in the Investment Fund, money that is then required by the depositor to meet an obligation.

1978 c68 s59

PART 6

DIRECT GOVERNMENT DEBT

Definition

60 In this Part, "Government securities" means notes, bonds, debentures or interest bearing or non-interest bearing treasury bills issued by the Crown or other securities under which the Crown is the debtor, but does not include an instrument given by the Crown as security for the repayment of an overdraft.

1977 c68 s60

Borrowing power
of Crown

61(1) The Lieutenant Governor in Council may by order authorize the Provincial Treasurer on behalf of the Crown to borrow money in the amounts set out in the order for the purpose of making disbursements.

(2) The Provincial Treasurer shall prepare for each fiscal year a report of the borrowings made under subsection (1) during that fiscal year for which Government securities were issued.

1977 c68 s61

Manner of
borrowing

62(1) An order in council under section 61 may authorize the Provincial Treasurer to borrow money in one or more of the following ways or a combination of them:

- (a) by the issue and sale of Government securities;
- (b) by loans from a bank, treasury branch or person by way of overdraft or line of credit;
- (c) by issuing and pledging Government securities or pledging securities that are not Government securities;
- (d) in any other manner that the order may specify.

(2) An order in council under section 61 shall specify

- (a) in relation to a loan to be secured by the issue and sale of a class or classes of Government securities other than treasury bills,
 - (i) the gross amount that may be borrowed,
 - (ii) the time within which the borrowing may take place,

- (iii) the maturity date or dates for and the maximum interest rate of the securities that are to be issued,
 - (iv) the currency in which the securities are to be issued,
 - (v) if the securities are to be sold at a discount, the minimum price for which they may be sold,
 - (vi) if a premium is to be paid on redemption of the securities, the maximum premium that may be paid, and
 - (vii) whether a sinking fund is to be established from which the indebtedness is to be repaid;
- (b) in relation to the issue and sale of treasury bills,
- (i) the gross amount of treasury bills that may be outstanding,
 - (ii) in the case of non-interest bearing treasury bills, the minimum price for which they may be sold,
 - (iii) in the case of interest bearing treasury bills, the maximum interest rate that they may bear,
 - (iv) the maturity date or dates or the term or terms of the treasury bills that are to be issued, and
 - (v) the currency in which the treasury bills are to be issued.

1977 c68 s62

Replacement of
Government
securities

63(1) The Lieutenant Governor in Council may authorize the Provincial Treasurer to change the form of unredeemed Government securities by replacing one class of Government securities with another.

(2) The replacement of one class of Government securities for another under subsection (1) may be made by the sale of Government securities of one class and the purchase of Government securities of another class.

(3) Notwithstanding subsection (1), the replacement of one class of Government securities for another may only be made

- (a) with the consent of the holder of the Government securities for which other Government securities are substituted, or
- (b) if the Government securities had been purchased by or on account of the Crown.

1977 c68 s63

Loans in foreign
currencies

64 When a loan by the Government is authorized by an order of the Lieutenant Governor in Council under section 61 or any other Act and the order authorized the raising by way of loan a specific

or maximum amount of Canadian dollars by the issue and sale of Government securities, then, if the amount of the loan is raised, in whole or in part, by the issue and sale of Government securities payable in the currency of a country other than Canada, the order shall be construed as authorizing the raising of an equivalent amount in that other currency calculated in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned on the business day next preceding the day on which the order in council authorizing the Government securities to be issued was enacted, as that nominal rate is determined by any bank in Canada.

1977 c68 s64

Debt limit

65(1) The amount of the unredeemed Government securities less the amount of the sinking funds established for the retirement of Government securities and the interest accrued on those sinking funds shall at no time exceed \$500 000 000.

(2) The total net amount outstanding of all overdrafts incurred by the Crown at a bank, treasury branch or other financial institution shall at no time exceed \$200 000 000.

(3) For the purposes of this section, if Government securities are issued in a currency other than Canadian dollars, the amount of those securities shall be considered to be the equivalent amount of Canadian dollars calculated in accordance with the nominal rate of exchange between the Canadian dollar and the currency concerned on the business day next preceding the day on which the order in council authorizing the Government securities to be issued was enacted, as that nominal rate is determined by any bank in Canada.

1977 c68 s65

Terms of borrowing

66(1) Subject to sections 61, 62 and 65, the Provincial Treasurer may, in his discretion, determine the amount of and the manner in which money is to be raised on behalf of the Crown by way of loan, and without limiting the generality of the foregoing, may specify

(a) in relation to a loan to be secured by the issue and sale of a class or classes of Government securities other than treasury bills,

(i) the form of security, if any, that may be given,

(ii) the classes and denominations of securities that may be issued,

(iii) the interest rate that the securities may bear,

(iv) the amount for which the securities may be sold whether that amount is at par value or more or less than par value of the security,

(v) the premium, if any, that may be paid on the redemption of the securities,

(vi) whether the securities will be redeemable prior to maturity at the option of the Provincial Treasurer or the holder of the securities, and if they are so redeemable, whether a premium will be paid or a discount applied, as the case may be,

(vii) the time and place at which, and the manner and currency in which the loan may be repaid,

(viii) the rates of exchange that will apply to a loan,

(ix) the conditions governing the registration and transfer of the securities within and outside of Alberta, and

(x) the conditions governing the exchange of securities of one form or denomination for securities of a different form or denomination but bearing the same rate of interest and in the equivalent aggregate principal amount;

(b) in relation to treasury bills,

(i) the price or prices for which they may be sold or the rate of interest that they may bear, as the case may be,

(ii) the times at which they may be sold, and

(iii) whether they may be sold by private or public tender;

(c) in relation to a loan secured by way of overdraft or line of credit, the rate of interest that may be paid;

(d) in relation to a loan secured by issuing and pledging Government securities or pledging securities that are not Government securities,

(i) the classes and amounts of Government securities that may be issued and pledged,

(ii) the value of the securities that are not Government securities that may be pledged, and

(iii) the rate of interest that may be paid.

(2) The Provincial Treasurer may, for the purpose of arranging for the sale of Government securities, appoint a person as his agent for the purpose of exercising his powers under subsection (1)(a)(iv).

1977 c68 s66

Execution of
Government
Securities

67(1) The Provincial Treasurer shall execute Government securities and may execute any other instrument necessary or desirable in connection with the borrowing of money under this Part.

(2) The signature of a person authorized to be affixed to Government securities or another instrument under subsection (1) may be printed.

engraved, lithographed or otherwise reproduced and the signature so reproduced is for all purposes valid and binding on the Crown notwithstanding that the person whose signature is so reproduced has ceased to hold office before the date of the Government securities, the date of the issue of the Government securities or the date of the other instrument, as the case may be.

1977 c68 s67

Pledged securities
and report thereon

68(1) Government securities pledged as security for a loan and released from the pledge are not extinguished by the pledge.

(2) The Provincial Treasurer shall prepare for each fiscal year a report of the amount of the debt of the Crown outstanding at the end of the fiscal year for which securities were pledged under this Part.

1977 c68 s68

Loan obligations
payable out of
General Revenue
Fund

69(1) The Lieutenant Governor in Council may provide for

- (a) the creation, management and application of sinking funds,
- (b) other means of ensuring the repayment of Government securities, or
- (c) the redemption by call of Government securities issued subject to redemption in advance of maturity.

(2) Money required

- (a) to provide a sinking fund or other means of ensuring the repayment of Government securities,
- (b) to redeem or repay the principal amount of Government securities,
- (c) to pay a premium in connection with the redemption or repayment of Government securities,
- (d) to pay the remuneration and compensation of registrars and fiscal agents whose services are engaged in connection with any matter related to Government securities, and
- (e) to pay the costs, expenses and charges incurred in the negotiation or raising of loans by the Government or in the issue, redemption, servicing, payment and management of loans and the Government securities issued in respect of those loans,

shall be paid out of the General Revenue Fund except where the payment is made from a sinking fund or by other means pursuant to subsection (1).

(3) Interest on Government securities shall be paid out of the General Revenue Fund in the absence or insufficiency of a supply vote for that purpose.

1977 c68 s69

Regulations re
Government
securities

70 The Lieutenant Governor in Council may, on the recommendation of the Provincial Treasurer, make regulations or orders

- (a) governing the inscription, registration, transfer, transmission, exchange, redemption or cancellation of Government securities;
- (b) governing the sale or other disposition of Government securities;
- (c) respecting the appointment and duties of fiscal agents and the remuneration payable to them.

1977 c68 s70

Immunity as to
trusts

71 A public employee, public official, personal service contractor or other person employed or engaged in the inscription, registration, transfer, management or redemption of Government securities or in the payment of interest on those securities is not bound to see to the execution of a trust, expressed or implied, to which the securities are subject.

1977 c68 s71

PART 7

CROWN GUARANTEES AND INDEMNITIES

Definitions

72(1) In this Part,

- (a) “guarantee” means a guarantee by the Crown or a Provincial corporation of a debt;
- (b) “indemnity” means an undertaking by the Crown or a Provincial corporation
 - (i) to perform an obligation of a person under a contract, on the default of that person, or
 - (ii) to hold harmless a party to a contract from a loss suffered as a result of
 - (A) the default of another party to the contract, or
 - (B) a provision of the contract,

but does not include a guarantee.

(2) This Part does not apply to a guarantee of the payment of a pension, annuity or other benefit under a pension plan or the guarantee given by section 5 of the *Treasury Branches Act*.

1977 c68 s72

Regulations re
guarantees and
indemnities

73(1) The Lieutenant Governor in Council may, on the recommendation of the Provincial Treasurer, make regulations

- (a) governing the information to be included in and the documentation that must accompany an application for a guarantee or indemnity;
- (b) prescribing the fees payable to the Crown or a Provincial corporation in respect of the giving of guarantees or indemnities;
- (c) prescribing the conditions under which guarantees or indemnities may be given;
- (d) prescribing the conditions under which a guaranteed debt or indemnified contract may be transferred by the creditor to a new creditor or by the obligee to a new obligee;
- (e) prescribing the information and reports that are required to be submitted to the Provincial Treasurer or a Provincial corporation by the debtor and the creditor under a guaranteed debt and by the obligor and the obligee under an indemnified contract, and governing the form of the information and reports and the times at which they are to be submitted;
- (f) prescribing the form of guarantees and indemnities;
- (g) prescribing the amount and form of the security to be given by the debtor or obligor to the Crown or a Provincial Corporation under a guaranteed debt or indemnified contract;
- (h) prescribing the information and reports that are required to be submitted to the Provincial Treasurer by Ministers of the Crown, Provincial corporations or other persons authorized by law to give guarantees or indemnities, and prescribing the form of the information and reports and the times at which they are to be submitted;
- (i) prescribing the requirements to be met by creditors or obligees under guaranteed debts or indemnified contracts before payment or performance may be made on behalf of the Crown or a Provincial corporation as a result of being liable under a guarantee or indemnity;
- (j) prescribing the procedures to be followed by a Provincial corporation on the receipt of a demand for payment or performance by the Provincial corporation arising out of a guarantee or indemnity and before the payment is made or the performance is undertaken;
- (k) prescribing, with respect to an Act,
 - (i) the maximum amount of the total outstanding contingent liability, excluding interest, of the Crown or a Provincial corporation as a result of guarantees or indemnities given under that Act,

(ii) the maximum amount of an individual guarantee or indemnity,

(iii) the maximum amount of the aggregate of loans that may be guaranteed in respect of any one person,

(iv) the maximum amount of the aggregate of obligations that may be indemnified in respect of any one person,

(v) the maximum percentage of the principal amounts of loans that may be guaranteed, or

(vi) the maximum percentage of the total obligation that may be indemnified;

(1) exempting any guarantee or indemnity or any class of guarantee or indemnity from all or part of a regulation made under this section.

(2) Regulations under subsection (1) may classify guarantees or indemnities by the amount that is or may be involved in the guarantee or indemnity, by the Act under which the guarantee or indemnity is given or by any other means, and different provisions may govern different classes of guarantees or indemnities.

(3) An instrument creating or evidencing a guarantee or indemnity given by the Crown may be signed by the Provincial Treasurer.

1977 c68 s73, 1980 c20 s16

Approvals required

74 No guarantee except a guarantee given by an Act or authorized by an order of the Lieutenant Governor in Council pursuant to an Act shall be given for the indebtedness of a debtor except with the approval of

(a) the Provincial Treasurer, when the guarantee, if given, would result in the total amount guaranteed in respect of that debtor being less than \$500 000, or

(b) the Treasury Board, when

(i) the guarantee, if given, would result in the total amount guaranteed in respect of that debtor being \$500 000 or more, or

(ii) the Provincial Treasurer has declined to give his approval of a guarantee under clause (a).

1977 c68 s74, 1980 c20 s17

Payment under guarantee or indemnity

75 A payment by the Crown as a result of its liability under a guarantee or indemnity shall be paid out of the General Revenue Fund.

1977 c68 s75

Annual report re guarantees and indemnities

76 The Provincial Treasurer shall prepare, in accordance with the

regulations, a report for each fiscal year of the Crown and for each fiscal year of a Provincial corporation during which it gave a guarantee or indemnity

- (a) summarizing the guarantees and indemnities given in that fiscal year;
- (b) showing the amounts paid by the Crown or the Provincial corporation during that fiscal year as a result of the Crown's or the Provincial corporation's liability under guarantees and indemnities;
- (c) showing the amounts recovered during that fiscal year by the Crown or the Provincial corporation on debts owing to the Crown or the Provincial corporation as a result of payments made by them arising out of guarantees or indemnities.

1977 c68 s76

PART 8

PUBLIC ACCOUNTS

Contents of public
accounts

77(1) As soon as practicable after the end of a fiscal year the Provincial Treasurer shall prepare the public accounts for that fiscal year in a form he considers appropriate.

(2) The public accounts for a fiscal year shall include

- (a) for the General Revenue Fund, a Provincial agency, a revolving fund and those regulated funds that the Provincial Treasurer considers appropriate,
 - (i) financial statements, for the fiscal year of the Crown or the Provincial agency, as the case may be, including
 - (A) statements showing the financial position, results of operations and changes in financial position,
 - (B) a statement of the accounting policies followed in preparing the financial statements, and
 - (C) any other statements, reports, schedules, accounts, notes, explanations and information relating to the financial statements that the Provincial Treasurer may require, and
 - (ii) a summary of assets and liabilities,
- (b) a summary of expenditures made under each appropriation,
- (c) the reports or statements prepared pursuant to sections 28, 32(5), 42, 61(2), 68(2) and 76, and
- (d) any supplementary schedules, statements, explanations and

financial statements that the Provincial Treasurer may require.

1977 c68 s77

Tabling of public
accounts

78(1) When the Provincial Treasurer has prepared the public accounts for a fiscal year, he shall lay them before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

(2) If the Auditor General's report on the financial statements of the Crown made pursuant to section 18 of the *Auditor General Act* is available, it shall be laid before the Legislative Assembly with the public accounts and if it is not then available, it shall, when it is available, be laid before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

1977 c68 s78

PART 9

MANAGEMENT PROCEDURES

Treasury Board
regulation of
contracts

79(1) The Treasury Board may make regulations or issue directives governing standards to be observed when contracts are entered into by or on behalf of the Crown or a Provincial agency where those contracts relate to

- (a) the acquisition, management, use or disposition of property or a class of property;
- (b) the buying or selling of goods by or to the Crown or a Provincial agency;
- (c) the rendering of services by or to the Crown or a Provincial agency.

(2) A contract entered into by or on behalf of the Crown or a Provincial agency is not invalid by reason only of the fact that the contract was entered into in breach of the regulations or directives or that the contract was not in accordance with the regulations or directives.

1977 c68 s79

Treasury Board
regulation of real
or personal
property

80(1) The Treasury Board may make regulations or issue directives respecting the acquisition, management, use or disposition of real or personal property by the Crown or a Provincial agency.

(2) A regulation or directive made or issued under subsection (1) is effective in relation to real property only to the extent that the acquisition, management, use or disposition of that real property is not governed by another Act or regulations under another Act.

1977 c68 s80

Control of
Provincial
corporation
borrowings

81(1) If a Provincial corporation has the power to borrow money secured by issuing securities,

(a) the Provincial Treasurer is the exclusive agent of the corporation for the purpose of negotiating and determining the terms and conditions of the loan,

(b) the corporation has no power to negotiate the loan otherwise than through the Provincial Treasurer as its agent, and

(c) no order in council shall be made under an Act to approve the making of loans secured by the Provincial corporation issuing securities except on the recommendation of the Provincial Treasurer.

(2) If a Provincial corporation has the power to borrow money by way of overdraft or line of credit, the Provincial Treasurer may prescribe the amount of and the manner in which the money may be raised and the rate of interest that may be paid.

1977 c68 s81

Regulation of
charges

82(1) The Treasury Board may, in respect of a department, revolving fund or Provincial agency that supplies goods or renders services to another department, revolving fund or Provincial agency or to a fund administrator or public employee, public official or personal service contractor, issue directives

(a) designating the department, revolving fund or Provincial agency as one that shall make charges for those goods or services,

(b) specifying the goods or services or classes of goods or services for which charges are to be made,

(c) prescribing the respective charges or rates of charges to be made for those goods or services, and

(d) specifying the fund or account where transfers in payment of charges for those goods or services are to be credited,

and thereafter the department, revolving fund or Provincial agency shall supply goods or render services only in accordance with the directives.

(2) The Treasury Board may authorize a public employee, public official or personal service contractor to exercise its powers under subsection (1)(b) and (c).

(3) In this section, "department" has the meaning given to it in section 33.

1977 c68 s82

Internal reviews

83 The Treasury Board may conduct, or authorize a public employee, public official or personal service contractor to conduct, an examination of the operations or administration of a department, Provincial agency or fund administrator.

1977 c68 s83

Establishment
requirements

84 The Treasury Board may determine and control the establishment requirements of a department, Provincial committee or fund administrator.

1977 c68 s84

Bonding of public
employees, etc

85 The Treasury Board may make regulations or issue directives governing the bonding of public employees, public officials, personal service contractors and revenue officers.

1977 c68 s85

PART 10

GENERAL

Failure to account
for public money

86(1) When the Provincial Treasurer has reason to believe that a person

- (a) has received public money and has not duly paid it over,
- (b) has received public money for which he is accountable and has not duly accounted for it, or
- (c) has in his possession public money applicable to a purpose and has not applied it to that purpose,

the Provincial Treasurer may cause a notice to be served on that person or on his personal representative requiring him, within such time from the service of the notice as is stated in it, to pay over or account for the public money to the person and in the manner set out in the notice or to apply the public money in the manner set out in the notice, and to transmit to the Provincial Treasurer proper vouchers that he has done so.

(2) A notice referred to in subsection (1) may be served by delivering a copy of it to the person to whom it is addressed or by mailing it by registered mail to the person at his last known address.

(3) If a person fails to comply with a notice served on him under subsection (1) within the time stated on the notice, the Provincial Treasurer may state an account between that person and the Crown, showing the amount of public money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Provincial Treasurer, charging interest on the whole or any part of it at a rate and from a date as the Provincial Treasurer may determine.

(4) In any proceedings for the recovery of the public money, a copy of the account stated by the Provincial Treasurer, certified by him, shall be admitted in evidence and is prima facie proof that the amount stated in it, together with interest, is due and payable to the Crown, without proof of the appointment or signature of the Provincial Treasurer, and that amount and that interest, or such interest as the court considers reasonable, may be recovered as a debt due to the Crown.

1977 c68 s86

Public money held
in trust

87(1) A person who

- (a) has received public money payable to the Crown and has not duly paid it over,
- (b) has received public money for which he is accountable to the Crown and has not duly accounted for it, or
- (c) has in his possession public money applicable to a purpose set out in an appropriation and has not applied it to that purpose,

is deemed to hold that public money in trust for the Crown, and the Provincial Treasurer may recover that money from that person in any manner in which money owing to the Crown may be recovered.

(2) Until public money in the possession of a person in the manner described in subsection (1)(c) is recovered, the Provincial Treasurer may apply an equal sum from the General Revenue Fund to the purpose to which the public money should have been applied.

1977 c68 s87

Fine for refusal to
transmit accounts,
etc

88 If a person wilfully refuses or neglects to transmit, furnish or deliver an account, statement or return with the proper documents to the Provincial Treasurer or to the officer or department to whom he is required to transmit, furnish or deliver it on or before the day appointed for the transmission, furnishing or delivery of it, he is guilty of an offence for every such refusal or neglect and liable to a fine of not more than \$1000, and in default of payment to imprisonment for a term not exceeding 3 months.

1977 c68 s88

Books, etc.,
property of Crown

89 All books, papers, accounts and documents kept or used by or in the possession of a revenue officer by virtue of his employment as a revenue officer are the property of the Crown, and all money or valuable securities received or taken into his possession by virtue of his employment are the property of the Crown.

1977 c68 s89

Actions for
penalties or
forfeitures

90(1) The Attorney General may sue for and recover in the name of the Government a penalty or forfeiture imposed by a law relating to the public revenue of Alberta or imposed for a breach of this Act.

(2) The whole of the penalty or forfeiture referred to in subsection (1) belongs to the Crown for the public use of Alberta unless the Lieutenant Governor in Council orders that a portion of it be paid to a person by whose information or aid the penalty or forfeiture was recovered.

(3) The Attorney General may direct the discontinuance of an action for a penalty or forfeiture referred to in subsection (1) irrespective of the person by whom or in whose name the action was brought.

1977 c68 s90

Assignments

91(1) Subject to subsection (2), the Crown is not bound by an assignment

(a) by a public employee, public official or personal service contractor of salary or wages owing to him, or

(b) of any other debt of the Crown.

(2) The Provincial Treasurer may, by consenting to a particular assignment, exempt that assignment from the operation of subsection (1) or may make regulations exempting a class of assignments from the operation of subsection (1).

1977 c68 s91

Saving of other legal remedies

92 Nothing contained in this Act prevents, lessens or impairs a remedy given by law to the Crown or another person.

1977 c68 s92

APPENDIX F
LIST OF PERSONS INTERVIEWED

LIST OF PERSONS INTERVIEWED

Names of interviewees, date(s) of interview and positions held on the date(s) of the interview are listed as follows:

Acorn, Glen, QC	June 9, 1983	Barrister and Solicitor
Adamson, Martin	February 21, 1983	Associate Director Media and Technology Branch Alberta Education
Bosetti, Dr. Reno	March 16, 1983	Deputy Minister Alberta Education
Haase, Gordon	August 25, 1983	Assistant Deputy Minister Utilities, Communications and Planning Division Department of Utilities and Telecommunications
Hawkesworth, Dr. Earle	March 24, 1983	Retired Deputy Minister Alberta Education
Heisler, Arnold E.	August 4, 1983	Assistant Comptroller Treasury Department Government of Alberta
Hill, Leigh	June 2, 1983	Associate Director Planning Services Branch Alberta Education
Ilrabi, Dr. J. S. T.	March 10, 1983	Assistant Deputy Minister Planning and Evaluation Alberta Education
Hyrynk, Dr. N. P.	April 13, 1983	Associate Executive Secretary Alberta Teachers' Association
Hyndman, Hon. Lou	April 14, 1983	Minister Alberta Treasury
Johnston, Susan M.	March 10, 1983	Professional Assistant Legislative Services Administrative Services Division Alberta Advanced Education and Manpower

Kratz, Hans	April 25, 1983	Director Alberta Educational Communications Authority
Morton, R. A.	March 18, 1983 June 15, 1983	President Ariel Computer Productions Toronto, Ontario
O'Byrne, Hon. Mr. Justice M. B.	April 10, 1983	Justice of the Court of Queen's Bench of Alberta
Robertson, Alan	April 2, 1983	Dean of Fine Arts University of Calgary
Shaw, Jim	April 25, 1983	Professor Educational Media University of Alberta
Shorter, Larry	April 12, 1983	Consultant
Staples, Dr. Brian	June 20, 1983	Executive Director Interdepartmental Community Schools Committee Department of Education
Torgunrud, Dr. E. A.	March 16, 1983	Director Early Childhood Services Branch Alberta Education
Warrack, Dr. Alan A.	March 15, 1983	Associate Dean Master of Public Management Program University of Alberta
Williams, Charles	March 7, 1983	Director Media and Technology Branch Alberta Education
Worth, Walter	March 17, 1983	Dean Faculty of Education University of Alberta

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